

shall also send to the Idaho outfitter's and guide's board a statement setting forth the title of the court and of the cause for which such moneys were collected, the name and residence of the defendant or defendants, the nature of the offense or offenses and the fine and the sentence or judgment imposed and such moneys so received by the board shall be deposited with the state treasurer and the state treasurer shall credit the same to the Idaho outfitter's and guide's board fund.

SECTION 12. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 10, 1970

CHAPTER 140
(H. B. No. 555, As Amended)

AN ACT

DEFINING GENERAL ELECTION; DEFINING PRIMARY ELECTION; DEFINING SPECIAL ELECTIONS; DEFINING QUALIFIED ELECTOR; DEFINING REGISTERED ELECTOR; DEFINING SPECIAL PRESIDENTIAL ELECTOR; DEFINING DOMICILE; DEFINING TAXPAYING ELECTOR; DEFINING ELECTION OFFICIAL; DEFINING POLITICAL PARTY; DEFINING ELECTION REGISTER; DEFINING ELECTION RECORD OR POLL BOOK; DEFINING COUNTY CLERK; DEFINING CANDIDATE; DEFINING TALLY BOOK; PROVIDING THAT REFERENCES TO THE MALE ELECTOR INCLUDES FEMALE ELECTOR; AND PROVIDING THE METHOD OF COMPUTING ALL TIME PERIODS INCLUDED WITH THE ELECTION PROVISIONS; PROVIDING THAT THE SECRETARY OF STATE IS THE CHIEF ELECTION OFFICER OF THE STATE; PROVIDING THE SECRETARY OF STATE WITH THE AUTHORITY TO PROVIDE INSTRUCTIONS ON ALL ELECTION PROCEDURES AND TO PROVIDE THE FORM FOR ALL MATERIALS USED IN THE ELECTIVE PROCESS; REQUIRING THE SECRETARY OF STATE TO ASSIST AND DIRECT THE COUNTY CLERKS IN THE APPLICATION, OPERATION AND INTERPRETATION OF THE ELECTION LAWS; REQUIRING THE

SECRETARY OF STATE TO HOLD CONFERENCES ON THE ADMINISTRATION OF THE ELECTION LAWS FOR THE COUNTY CLERKS; AND REQUIRING THAT THE SECRETARY OF STATE SHALL PREPARE AND DISTRIBUTE COMPILATIONS AND DIGESTS OF THE ELECTION LAWS; PROVIDING THAT THE COUNTY CLERKS SHALL EXERCISE THE GENERAL SUPERVISION OF THE ELECTIONS AND ELECTION OFFICIALS WITHIN THE COUNTIES, SUBJECT TO THE DIRECTIVES AND AUTHORITY OF THE SECRETARY OF STATE; PROVIDING THE CLERKS WITH AUTHORITY TO ISSUE INSTRUCTIONS AND DIRECTIVES COMMENSURATE WITH THE GENERAL SUPERVISORY CAPACITY; PROVIDING POWERS AND DUTIES TO THE COUNTY CLERKS AS CHIEF ELECTION OFFICERS OF THE COUNTIES; REQUIRING THE COUNTY CLERKS TO HIRE ELECTION PERSONNEL AND MAKE ALL EXPENDITURES FOR ELECTIONS AND PROVIDING FOR THE PAYMENT OF PERSONNEL AND ELECTION EXPENSES; PROVIDING THE COUNTY CLERKS THE AUTHORITY TO PREPARE BALLOTS AND OTHER MATERIALS NECESSARY FOR THEIR ADMINISTRATION OF THE ELECTION LAWS; AND REQUIRING THE COUNTY CLERKS TO MAINTAIN OFFICE HOURS DURING THE POLLING HOURS ON ELECTION DAYS; PROVIDING PROCEDURE TO COMPEL COUNTY CLERK TO COMPLY WITH ELECTION LAWS, RULES AND REGULATIONS; PROVIDING THE SECRETARY OF STATE WITH AUTHORITY AND PROCEDURES TO REQUIRE COUNTY CLERKS TO COMPLY WITH THE ELECTION LAW, RULES AND REGULATIONS; PROVIDING THE COUNTY CLERKS WITH AUTHORITY AND PROCEDURES TO COMPEL LOCAL ELECTION OFFICIALS TO COMPLY WITH ELECTION LAWS, RULES AND REGULATIONS; AND PROVIDING LEGAL RELIEF TO PERSONS AFFECTED BY THE ACTION OR FAILURE OF ACTION OF THE SECRETARY OF STATE OR THE COUNTY CLERKS; REQUIRING THE BOARD OF COUNTY COMMISSIONERS TO ESTABLISH THE VOTING PRECINCTS WITHIN THE COUNTY AND THE PROCEDURES THEREFOR; REQUIRING THE BOARD OF COUNTY COMMISSIONERS TO DESIGNATE THE POLLING PLACES FOR EACH VOTING PRECINCT AND THE PROCEDURES THEREFOR; PROVIDING FOR THE APPOINTMENT OF ELECTION PERSONNEL AND THE

PROCEDURE THEREFOR; AND PROVIDING THE PROCEDURES FOR ALLOWING POLITICAL PARTY PERSONNEL TO OBSERVE THE VOTING AND COUNTING OF BALLOTS IN ELECTION PRECINCTS; PROVIDING ELECTORS A PRIVILEGE FROM ARREST FOR CERTAIN CRIMES WHILE ATTENDING A POLLING PLACE; PROVIDING MINIMUM REQUIREMENTS TO BE A QUALIFIED ELECTOR; PROVIDING CERTAIN DISQUALIFICATIONS OF ELECTORS; REQUIRING ALL QUALIFIED ELECTORS TO REGISTER BEFORE BEING PERMITTED TO VOTE AND PROVIDING EXCEPTIONS TO CERTAIN ELECTORS REGARDING THE RESIDENCE REQUIREMENTS FOR VOTING; REQUIRING THE COUNTY CLERKS TO APPOINT A REGISTRAR IN EACH VOTING PRECINCT, PROVIDING THE QUALIFICATIONS FOR REGISTRARS, AND PROVIDING POWERS AND DUTIES FOR REGISTRARS; PROVIDING THAT NO FEE SHALL BE CHARGED FOR THE PURPOSE OF REGISTERING AN ELECTOR AND PROVIDING METHODS FOR THE REGISTRATION OF PHYSICALLY INCAPACITATED ELECTORS; REQUIRING THE CLOSING OF THE REGISTER OF ELECTORS PRECEDING ANY ELECTION; PROVIDING OFFICE HOURS FOR THE COUNTY CLERKS ON THE LAST DAY OF REGISTRATION OF ELECTORS; PROVIDING PROCEDURES FOR ABSENTEE REGISTRATION; PROVIDING THAT CERTAIN INFORMATION SHALL BE REQUIRED FOR ELECTOR REGISTRATION; PROVIDING THE REGISTRARS THE RIGHT TO DETERMINE WHETHER ANY PERSON IS QUALIFIED TO REGISTER AND THE AUTHORITY TO REFUSE REGISTRATION TO UNQUALIFIED PERSONS, AND PROCEDURES FOR PERSONS TO SHOW THAT STATUS OF A QUALIFIED ELECTOR; ALLOWING QUALIFIED ELECTORS WHO CHANGE RESIDENCE WITHIN PRECINCTS OF THE SAME COUNTY TO VOTE THE COMPLETE ELECTION BALLOT; PROHIBITING QUALIFIED ELECTORS WHO MOVE FROM THEIR REGISTERING COUNTY THIRTY DAYS PRIOR TO ELECTION FROM VOTING FOR CANDIDATES OTHER THAN PRESIDENTIAL ELECTORS; PROVIDING PROCEDURES FOR OBTAINING CERTIFICATES OF REGISTRATION FOR ELECTORS WHO CHANGE THEIR RESIDENCE; PROVIDING THAT ALL REGISTRATION INFORMATION SHALL BE PLACED UPON A REGISTRATION CARD AND SIGNED BY THE ELECTOR WHICH

SHALL BE FILED WITH THE COUNTY CLERKS; PROVIDING THE COUNTY CLERK TO ALTER AND CHANGE ANY REGISTRATION CARD TO INDICATE BOUNDARY CHANGES OF VOTING PRECINCTS; PROVIDING THAT THE COUNTY CLERKS SHALL REVIEW REGISTRATION CARDS AND GIVE NOTICE TO ELECTOR'S PRIOR REGISTRATION BOARD OR COUNTY; GRANTING THE COUNTY CLERK TO REMOVE ELECTORS FROM THE REGISTER WHO ARE NOT CITIZENS OF THE UNITED STATES; PROVIDING THAT REGISTRATION OF ELECTORS WILL BE EFFECTIVE DURING THEIR SERVICE IN THE ARMED FORCES; PROVIDING CONDITIONS WHICH SHALL REQUIRE REREGISTRATION BY AN ELECTOR; PROVIDING FOR THE TRANSFERRING OF REGISTRATION OF AN ELECTOR; PROVIDING AUTHORITY AND THE RIGHT TO VOTE TO ELECTORS WHOSE NAMES HAVE BEEN CHANGED WHILE THE ELECTION REGISTER IS CLOSED; PROVIDING AUTHORITY FOR SPECIAL ELECTORS TO VOTE FOR PRESIDENTIAL ELECTORS, PROVIDING THE PROCEDURE FOR THE REGISTRATION OF SPECIAL PRESIDENTIAL ELECTORS; PROVIDING THE CONDITION FOR REREGISTRATION OF SPECIAL PRESIDENTIAL ELECTORS; PROVIDING FOR TRANSFERRING OF REGISTRATION OF SPECIAL PRESIDENTIAL ELECTORS; PROVIDING THAT REGISTRATION CARDS OF SPECIAL PRESIDENTIAL ELECTORS IS INVALID AFTER ELECTION FOR WHICH IT IS ISSUED; PROVIDING THAT THE METHOD OF REGISTRATION OF SPECIAL PRESIDENTIAL ELECTORS SHALL BE GOVERNED IN NEARLY AS POSSIBLE THE SAME MANNER AS OTHER QUALIFIED ELECTORS; PROVIDING THE AUTHORITY FOR CHALLENGING THE REGISTRATION OF ELECTORS; REQUIRING THE COUNTY CLERKS TO NOTIFY ALL CHALLENGED REGISTERED ELECTORS AND THE PROCEDURES FOR RESOLVING SUCH CHALLENGE; REQUIRING THE STATE BOARD OF HEALTH TO MONTHLY PROVIDE THE SECRETARY OF STATE WITH A LIST OF ALL DEATHS WITHIN THE STATE AND PROVIDING FOR THE REMOVAL OF SUCH NAMES ON THE ELECTION REGISTER BY THE COUNTY CLERKS; REQUIRING THE COUNTY CLERKS TO RETAIN ALL LISTS OF DEATHS FOR A TWO YEAR PERIOD; REQUIRING THE COUNTY CLERKS TO PURGE THE ELECTION REGISTER AFTER THE GENERAL ELECTION; REQUIRING THE COUNTY CLERKS TO RETAIN ALL CORRESPONDENCE RELATED TO THE PURGING OF THE ELECTION REGISTER FOR A TWO YEAR PERIOD; PROVIDING

THAT POLITICAL PARTIES MAY RECEIVE A LIST OF THE ELECTION REGISTER AND PROVIDING CERTAIN PROHIBITIONS TO ITS USE; AND PROVIDING THAT ANY COUNTY MAY UTILIZE A DATA-PROCESSING SYSTEM FOR VOTER REGISTRATION; PROVIDING THE DEFINITION OF A POLITICAL PARTY AND THE METHODS OF FORMATION OF A POLITICAL PARTY; PROVIDING THE MEMBERSHIP OF THE COUNTY CENTRAL COMMITTEES OF A POLITICAL PARTY AND PROCEDURES FOR THEIR FORMATION; PROVIDING THE MEMBERSHIP OF A LEGISLATIVE DISTRICT CENTRAL COMMITTEE AND PROCEDURES FOR THEIR FORMATION; PROVIDING THE MEMBERSHIP OF THE STATE CENTRAL COMMITTEE OF A POLITICAL PARTY; PROVIDING THE COUNTY CENTRAL COMMITTEES SHALL HAVE POWERS AND DUTIES ADOPTED BY THE STATE CONVENTION; PROVIDING THE LEGISLATIVE DISTRICT CENTRAL COMMITTEES SHALL HAVE POWERS AND DUTIES ADOPTED BY THE STATE CONVENTION; AND PROVIDING FOR THE SELECTION OF DELEGATES TO THE STATE CONVENTIONS OF THE POLITICAL PARTIES; PROVIDING THE DATES FOR PRIMARY ELECTIONS, GENERAL ELECTIONS AND SPECIAL STATE ELECTIONS; PROVIDING FOR THE PUBLICATION OF NOTICES OF ELECTIONS BY THE COUNTY CLERKS AND THE PROCEDURES RELATING TO PUBLICATION; AND PROVIDING THAT ANY CONSTITUTIONAL AMENDMENTS SHALL BE CERTIFIED BY THE SECRETARY OF STATE AND THE PROCEDURES FOR PUBLICATION; PROVIDING FOR THE ELECTION OF UNITED STATES SENATORS, THEIR TERM OF OFFICE, THEIR QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF MEMBERS OF THE UNITED STATES HOUSE OF REPRESENTATIVES, THEIR TERM OF OFFICE, THEIR QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF PRESIDENTIAL ELECTORS, THEIR QUALIFICATIONS AND THEIR METHOD OF SELECTION; PROVIDING FOR THE ELECTION OF GOVERNOR, HIS TERM OF OFFICE, QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF LIEUTENANT GOVERNOR, HIS TERM OF OFFICE, QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF SECRETARY OF STATE, HIS TERM OF OFFICE, QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF STATE AUDITOR, HIS TERM OF OFFICE,

QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF STATE TREASURER, HIS TERM OF OFFICE, QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF ATTORNEY GENERAL, HIS TERM OF OFFICE, QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF SUPERINTENDENT OF PUBLIC INSTRUCTION, HIS TERM OF OFFICE, QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF STATE SENATORS AND MEMBERS OF THE STATE HOUSE OF REPRESENTATIVES, THEIR TERM OF OFFICE, QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF JUSTICES OF THE SUPREME COURT, THEIR TERM OF OFFICE, QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF DISTRICT JUDGES, THEIR TERMS OF OFFICE, QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF COUNTY COMMISSIONERS, THEIR TERM OF OFFICE, QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF SHERIFF, HIS TERM OF OFFICE, QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF CLERK OF THE DISTRICT COURT, HIS TERM OF OFFICE, QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF COUNTY TREASURER, HIS TERM OF OFFICE, QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF COUNTY ASSESSOR, HIS TERM OF OFFICE, QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF CORONER, HIS TERM OF OFFICE, QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF PROSECUTING ATTORNEY, HIS TERM OF OFFICE, QUALIFICATIONS AND FILING FEES; PROVIDING FOR THE ELECTION OF PRECINCT COMMITTEEMEN BY THE POLITICAL PARTY, THEIR TERMS OF OFFICE, AND QUALIFICATIONS; REQUIRING THE SECRETARY OF STATE TO PRESCRIBE THE FORM FOR ALL DECLARATIONS OF CANDIDACY AND PETITIONS REQUIRED TO BE FILED FOR OFFICE AND THE METHOD FOR PAYMENT OF FILING FEES; AND REQUIRING THAT ALL WRITE-IN CANDIDATES AT PRIMARY ELECTIONS RECEIVE AT LEAST AS MANY VOTES AS EQUAL THE NAMES UPON THEIR PETITION IN ORDER TO BECOME A CANDIDATE IN THE GENERAL ELECTION AND

REQUIRING THEM TO PAY THE PROPER FILING FEE; REQUIRING THAT UNITED STATES CONGRESSIONAL CANDIDATES AND ALL STATE, DISTRICT, COUNTY AND PRECINCT CANDIDATES COMPLY WITH THE PROVISIONS OF THIS ACT; PROVIDING THAT ALL PERSONS QUALIFIED TO HOLD SUCH OFFICE ARE ENTITLED TO FILE A DECLARATION OF CANDIDACY AND PROVIDING THE DATES FOR FILING SUCH DECLARATIONS; PROVIDING THAT COUNTY AND PRECINCT CANDIDATES FILE THEIR DECLARATIONS WITH THE COUNTY CLERK AND ALL OTHER CANDIDATES FILE THEIR DECLARATIONS WITH THE SECRETARY OF STATE; REQUIRING THE COUNTY CLERK TO CERTIFY ALL COUNTY AND PRECINCT CANDIDATES TO THE COUNTY CENTRAL COMMITTEES OF THE RESPECTIVE POLITICAL PARTIES, REQUIRING THE SECRETARY OF STATE TO CERTIFY ALL LEGISLATIVE DISTRICT CANDIDATES TO THE LEGISLATIVE DISTRICT CENTRAL COMMITTEES OF THE RESPECTIVE POLITICAL PARTIES, REQUIRING THE SECRETARY OF STATE TO CERTIFY ALL CANDIDATES FOR STATEWIDE OFFICE TO THE STATE CENTRAL COMMITTEES OF THE RESPECTIVE POLITICAL PARTIES, AND PROVIDING THAT ALL INDEPENDENT CANDIDATES SHALL BE PLACED ON THE PRIMARY BALLOT WITH THE EXCEPTION THAT SUCH CANDIDATES MUST RECEIVE TEN PERCENT OF THE PRIMARY VOTE FOR THAT OFFICE TO BE A CANDIDATE IN THE GENERAL ELECTION; PROVIDING FOR THE STATE CONVENTIONS OF THE POLITICAL PARTIES, THE TIME FOR SUCH CONVENTIONS TO BE HELD AND THE PROCEDURES AND DUTIES OF SUCH CONVENTION; PROVIDING THE METHOD OF SELECTION AND NOMINATION OF CANDIDATES AT THE STATE CONVENTIONS; REQUIRING THE STATE CENTRAL COMMITTEE OF A POLITICAL PARTY TO CERTIFY ALL CANDIDATES NOMINATED AT THE CONVENTION TO THE SECRETARY OF STATE; PROVIDING THE METHOD FOR UNENDORSED CANDIDATES TO BECOME CANDIDATES AT THE GENERAL ELECTION; REQUIRING THE STATE CHAIRMAN OF A POLITICAL PARTY TO CERTIFY THE NAMES OF PRESIDENTIAL ELECTORS TO THE SECRETARY OF STATE; REQUIRING THE SECRETARY OF STATE TO CERTIFY ALL UNENDORSED CANDIDATES AND PROVIDE THE SAMPLE FORM OF THE

BALLOT TO THE COUNTY CLERKS NO LATER THAN AUGUST 1; AND REQUIRING THE COUNTY CLERKS TO PRINT THE OFFICIAL BALLOTS IN CONFORMANCE WITH THE SAMPLE BALLOT AND PUBLISH THE NAMES OF ALL CANDIDATES; PROVIDING THE PROCEDURE FOR FILLING VACANCIES IN THE SLATE OF CANDIDATES FOR PARTISAN OFFICES BY THE POLITICAL PARTIES PRIOR TO THE PRIMARY ELECTION; PROVIDING THE PROCEDURE FOR FILLING VACANCIES IN THE SLATE OF CANDIDATES FOR PARTISAN OFFICES BY THE POLITICAL PARTIES AFTER THE PRIMARY ELECTION; AND PROVIDING THAT NO VACANCIES IN THE SLATE OF CANDIDATES FOR NONPARTISAN OFFICES SHALL BE FILLED; PROVIDING FOR AN OFFICIAL ELECTION STAMP FOR EACH COUNTY; REQUIRING THE BOARD OF COUNTY COMMISSIONERS TO AUTHORIZE THE PRINTING OF A SUFFICIENT NUMBER OF BALLOTS AND TO PROVIDE A SUFFICIENT NUMBER OF BALLOT BOXES FOR THE POLLING PLACES; AUTHORIZING THE SECRETARY OF STATE TO PRESCRIBE THE FORM FOR ALL BALLOTS AND OTHER ELECTION MATERIALS AND SUPPLIES; PROVIDING GUIDELINES FOR THE FORM OF THE PRIMARY ELECTION BALLOT; PROVIDING FOR A NONPARTISAN ELECTION BALLOT AND THE FORM THEREOF; PROVIDING GUIDELINES FOR THE FORM OF THE GENERAL ELECTION BALLOT; PROVIDING GUIDELINES FOR THE FORM OF THE BALLOT USED BY SPECIAL PRESIDENTIAL ELECTORS; REQUIRING THAT ALL BALLOTS WHICH ARE VOTED BE STAMPED AND PRESCRIBING THE METHOD BY WHICH A BALLOT IS TO BE MARKED; REQUIRING THAT THE COUNTY CLERKS DELIVER SUFFICIENT BALLOTS TO EACH POLLING PLACE; REQUIRING THE COUNTY CLERK TO PREPARE INSTRUCTIONS FOR THE GUIDANCE OF ELECTORS; AND PROVIDING FOR THE PRINTING OF STICKERS IN THE EVENT OF VACANCIES AFTER THE PRINTING OF THE BALLOTS AND THE PROCEDURES FOR AFFIXING THEM TO THE ELECTION BALLOTS; PROVIDING DEFINITIONS FOR CERTAIN TERMS USED IN THIS ACT RELATING TO VOTING MACHINES; AUTHORIZING THE USE OF VOTING MACHINES OR VOTE TALLY SYSTEMS FOR ALL ELECTIONS; PROVIDING THAT ALL ELECTION LAWS INCLUDING THOSE CONTAINED IN CITY ORDINANCES OR CHARTERS SHALL APPLY TO

ELECTIONS IN WHICH MACHINES ARE USED UNLESS THEY ARE INCONSISTENT HEREWITH; PROHIBITING CERTAIN ACTS TO VOTING MACHINES; PROVIDING GOVERNING AUTHORITIES THE POWER TO PURCHASE, RENT OR OTHERWISE PROVIDE FOR THE USE OF VOTING MACHINES; PROVIDING FOR THE JOINT OWNERSHIP OF VOTING MACHINES BY MUNICIPAL CORPORATIONS AND OTHER LOCAL UNITS OF GOVERNMENT; PROVIDING METHODS OF PAYMENT OF VOTING MACHINES; REQUIRING THE APPROVAL OF THE SECRETARY OF STATE PRIOR TO THE ISSUING OF BONDS FOR THE PAYMENT OF VOTING MACHINES; REQUIRING THAT ALL VOTING MACHINES OR VOTE TALLY SYSTEMS BE SUBMITTED TO THE SECRETARY OF STATE FOR DETERMINATION OF WHETHER SUCH DEVICES COMPLY WITH THE REQUIREMENTS OF THIS ACT; PROVIDING STANDARDS AND TESTS FOR VOTING MACHINES AND VOTE TALLY SYSTEMS PRIOR TO THEIR APPROVAL BY THE SECRETARY OF STATE; REQUIRING THE SECRETARY OF STATE TO OUTLINE THE DUTIES OF ELECTION OFFICIALS PRESENT AT POLLING PLACES WHERE SUCH DEVICES ARE USED AND REQUIRING THE SECRETARY TO PRESCRIBE THE FORM OF ALL BALLOTS AND OTHER ELECTION MATERIALS AND SUPPLIES; PROVIDING FOR THE APPOINTMENT OF AN ELECTION BOARD WHERE SUCH DEVICES ARE USED AND PROVIDING FOR THE CREATION, CONSOLIDATION AND DIVISION OF VOTING PRECINCTS WHERE SUCH DEVICES ARE USED; REQUIRING THE COUNTY CLERKS OR CITY CLERKS TO PREPARE THE VOTING MACHINES AND INSTRUCT THE ELECTION BOARD IN THEIR OPERATION; PROVIDING FOR THE PREPARATION AND DELIVERY OF ALL VOTING SYSTEMS AND THE NECESSARY ELECTION BALLOTS, SUPPLIES AND MATERIALS; REQUIRING THE INDIVIDUAL ELECTION BOARDS TO PREPARE THE POLLING PLACE FOR THE PURPOSE OF VOTING BY SUCH DEVICES; ESTABLISHING STANDARDS FOR THE PREPARATION OF A VOTING MACHINE PRIOR TO AN ELECTION; REQUIRING NOTICE OF THE USE OF VOTING MACHINES TO THE POLITICAL PARTIES AND PROVIDING FOR REPRESENTATIVES OF POLITICAL PARTIES TO BE PRESENT AT THE POLLING PLACES DURING ELECTIONS; PROVIDING STANDARDS AND GUIDELINES FOR ALL BALLOTS USED WITH VOTING

MACHINES; PROVIDING FOR THE ROTATION OF NAMES OF CANDIDATES ON VOTING MACHINES; REQUIRING THE ELECTION BOARD TO PERIODICALLY EXAMINE THE VOTING MACHINES FOR DAMAGE OR DESTRUCTION DURING POLLING HOURS; PROVIDING FOR VOTING IN POLLING PLACES WHERE VOTING MACHINES ARE RENDERED INOPERATIVE; PROVIDING THE PROCEDURE FOR THE CLOSING OF THE POLLS WHERE VOTING MACHINES ARE IN USE; AUTHORIZING THE USE OF VOTING MACHINES FOR ABSENTEE VOTING; PROVIDING FOR THE USE OF PAPER BALLOTS WHERE VOTING MACHINES ARE USED AND AUTHORIZING THE TALLY OF VOTES IN SUCH PRECINCTS BY THE COUNTY CLERKS OFFICE; REQUIRING THE COUNTY CLERK TO PREPARE SAMPLE BALLOTS WHERE VOTING MACHINES ARE USED; REQUIRING THE COUNTY CLERKS TO PLACE ALL VOTING MACHINES OR SYSTEMS TO BE USED ON PUBLIC DISPLAY PRIOR TO ANY ELECTION IN WHICH THEY ARE USED; REQUIRING ELECTION BOARDS TO PROPERLY INSTRUCT THE ELECTORS IN THE USE OF THE VOTING MACHINES AT THE POLLING PLACES AND PROVIDING AID TO DISABLED ELECTORS; PRESCRIBING A TIME LIMIT FOR VOTING WHERE VOTING MACHINES ARE USED; AUTHORIZING THE SECRETARY OF STATE TO PURCHASE VOTING MACHINES OR VOTE TALLY SYSTEMS FOR THE PURPOSE OF RENTING OR LEASING SUCH DEVICES TO COUNTIES AND OTHER MUNICIPAL CORPORATIONS; AND ESTABLISHING STANDARDS FOR SUCH LEASE OR RENTAL AGREEMENTS; AUTHORIZING AND GRANTING THE PRIVILEGE OF ABSENTEE VOTING TO THE ELECTORS OF THIS STATE; PROVIDING FOR APPLICATION FOR BALLOTS TO BE CAST IN ABSENTEE AND THE PROCEDURES THEREFOR; REQUIRING THE COUNTY CLERK TO EXAMINE ALL APPLICATIONS TO DETERMINE WHETHER THE ELECTOR IS DULY REGISTERED AND REQUIRING THE COUNTY CLERK TO FORWARD THE OFFICIAL BALLOTS TO ALL REGISTERED ELECTORS; PROVIDING THE PROCEDURES FOR MARKING BALLOTS IN ABSENTEE; REQUIRING ALL ABSENTEE BALLOTS TO BE RECEIVED IN COUNTY CLERKS OFFICE AT SPECIFIED TIME TO BE TALLIED AND THE PROCEDURES AND DUTIES OF COUNTY CLERKS UPON THEIR RECEIPT OF ABSENTEE BALLOTS; REQUIRING ALL COUNTY CLERKS TO PROVIDE A POLLING

PLACE FOR ABSENTEE ELECTORS; PROCEDURES FOR RETENTION OF ABSENTEE BALLOTS AND FOR DELIVERY TO POLLING PLACES ON ELECTION DAY; DUTIES OF ELECTION OFFICIALS REGARDING ABSENTEE BALLOTS AT THE POLLING PLACES; PROCEDURES FOR CHALLENGING THE BALLOTS FOR ANY ABSENTEE ELECTOR; PROCEDURES FOR HANDLING AND STORAGE OF REJECTED ABSENTEE BALLOTS; AND REQUIRING THE COUNTY CLERK TO MAINTAIN A RECORD OF ALL APPLICATIONS FOR ABSENTEE BALLOTS; PROVIDING THAT THE POLLING HOURS ON ELECTION DAY SHALL BEGIN AT EIGHT O'CLOCK A.M. AND CONTINUE UNTIL ALL ELECTORS HAVE APPEARED OR UNTIL EIGHT O'CLOCK P.M.; GRANTING THE JUDGES OF ELECTIONS TO CHANGE THE LOCATION OF POLLING PLACES IF NECESSARY; PROVIDING THE PROCEDURES FOR ELECTION OFFICIALS TO EXAMINE ALL BALLOTS AND BALLOT BOXES; GRANTING THE AUTHORITY TO ADMINISTER OATHS OR CHALLENGE ANY ELECTOR; PROVIDING FOR AN ELECTION CONSTABLE AND HIS DUTIES; ESTABLISHING PROCEDURES FOR ELECTORS PRIOR TO THEIR RECEIPT OF THE OFFICIAL BALLOTS; ESTABLISHING PROCEDURES FOR ELECTORS UPON THEIR RECEIPT OF THE OFFICIAL BALLOTS; GRANTING AUTHORITY FOR ASSISTANCE TO PHYSICALLY DISABLED ELECTORS AND THE PROCEDURES FOR SUCH ASSISTANCE; PROVIDING PROCEDURES FOR ISSUANCE OF OTHER BALLOTS TO ELECTORS WHOSE BALLOTS ARE SPOILED AND PROHIBITING THE REMOVAL OF BALLOTS FROM POLLING PLACES; PROHIBITING ANY ELECTION OFFICIAL FROM COMMUNICATING ANY INFORMATION CONCERNING ELECTORS DURING THE POLLING HOURS; PROVIDING THE PROCEDURES AND STANDARDS IN THE EVENT AN ELECTOR IS CHALLENGED AS TO QUALIFICATIONS; AND REQUIRING THE SECRETARY OF STATE TO PREPARE A HANDBOOK SETTING FORTH THE QUALIFICATIONS OF ELECTORS AND THE METHOD OF ASCERTAINING SUCH QUALIFICATIONS AFTER A CHALLENGE; PROVIDING THAT THE COUNTING OF BALLOTS SHALL BEGIN UPON THE CLOSE OF THE POLLS AND PROVIDING FOR THE COUNTING OF BALLOTS DURING POLLING HOURS WHEN DUPLICATE BALLOT BOXES ARE USED; PROVIDING THE PROCEDURES FOR THE COMMENCEMENT OF

THE COUNTING OF THE BALLOTS PRIOR TO THE TALLYING OF VOTES FOR THE INDIVIDUAL CANDIDATES; PROVIDING THE METHOD OF TALLYING VOTES CAST FOR INDIVIDUAL CANDIDATES; AND REQUIRING THE JUDGE OF ELECTION TO ENCLOSE AND SEAL ALL ELECTION BALLOTS, TALLIES, AND OTHER SUPPLIES AND DELIVER SUCH SEALED CONTAINERS TO THE COUNTY CLERK OR THE SHERIFF; PROVIDING THAT THE BOARD OF COUNTY COMMISSIONERS SHALL BE THE COUNTY BOARD OF CANVASSERS FOR ALL ELECTIONS AND THE DATE OF THE COUNTY CANVASS; PROVIDING THE PROCEDURES FOR THE CANVASS OF THE VOTES BY THE COUNTY BOARD OF CANVASSERS; REQUIRING THE COUNTY CLERK TO PREPARE ABSTRACTS OF THE CANVASS AND DELIVER THEM TO THE SECRETARY OF STATE; REQUIRING THE COUNTY CLERK TO PREPARE AND ISSUE CERTIFICATES OF NOMINATION TO THE POLITICAL PARTY CANDIDATES AS TO THE PRIMARY ELECTION; REQUIRING THE COUNTY CLERK TO ISSUE AND DELIVER CERTIFICATES OF ELECTION TO THE CANDIDATES ELECTED AT THE GENERAL ELECTION; AND PROVIDING THE PROCEDURES FOR DETERMINATION OF ANY TIE VOTES; PROVIDING THE MEMBERSHIP OF THE STATE BOARD OF CANVASSERS; PROVIDING THE POWERS AND DUTIES OF THE STATE BOARD OF CANVASSERS; REQUIRING THE STATE BOARD OF CANVASSERS TO COMPILE AND PREPARE A STATEMENT OF THE TOTAL NUMBER OF VOTES CAST AND THE NUMBER OF VOTES RECEIVED BY ALL CANDIDATES FOR FEDERAL, STATE AND DISTRICT OFFICES; REQUIRING THE SECRETARY TO ISSUE CERTIFICATES OF NOMINATION AFTER THE PRIMARY ELECTION; REQUIRING THE SECRETARY OF STATE TO PREPARE THE GENERAL ELECTION SAMPLE BALLOTS AND DELIVER THEM TO THE COUNTIES PRIOR TO SEPTEMBER 25TH, IN A GENERAL ELECTION YEAR; REQUIRING THE SECRETARY OF STATE TO DELIVER CERTIFICATES OF ELECTION TO THE ELECTED OFFICIALS AFTER THE GENERAL ELECTION; AND PROVIDING PROCEDURES FOR THE DETERMINATION OF ANY TIE VOTES. REPEALING CHAPTER 1, TITLE 34, IDAHO CODE, RELATING TO GENERAL ELECTION PROVISIONS; REPEALING CHAPTER 2, TITLE 34, IDAHO CODE, RELATING TO THE TIME OF HOLDING

ELECTIONS; REPEALING CHAPTER 3, TITLE 34, IDAHO CODE, RELATING TO NOTICES OF ELECTIONS; REPEALING CHAPTER 4, TITLE 34, IDAHO CODE, RELATING TO THE QUALIFICATIONS OF VOTERS; REPEALING CHAPTER 5, TITLE 34, IDAHO CODE, RELATING TO ELECTION PRECINCTS, JUDGES AND CLERKS; REPEALING CHAPTER 6, TITLE 34, IDAHO CODE, RELATING TO NOMINATING ELECTIONS; REPEALING CHAPTER 7, TITLE 34, IDAHO CODE, RELATING TO THE NOMINATION OF SUPREME COURT JUSTICES AND DISTRICT JUDGES; REPEALING CHAPTER 8, TITLE 34, IDAHO CODE, RELATING TO THE REGISTRATION OF ELECTORS; REPEALING CHAPTER 10, TITLE 34, IDAHO CODE, RELATING TO THE CONDUCT OF ELECTIONS; REPEALING CHAPTER 11, TITLE 34, IDAHO CODE, RELATING TO ABSENTEE VOTING; REPEALING CHAPTER 12, TITLE 34, IDAHO CODE, RELATING TO CANVASS OF ELECTION RETURNS; REPEALING CHAPTER 13, TITLE 34, IDAHO CODE, RELATING TO THE STATE BOARD OF CANVASSERS; REPEALING CHAPTER 14, TITLE 34, IDAHO CODE, RELATING TO ERRORS AND MISTAKES IN BALLOTS AND RETURNS; REPEALING CHAPTER 16, TITLE 34, IDAHO CODE, RELATING TO SPECIAL ELECTIONS; AND REPEALING CHAPTER 24, IDAHO CODE, RELATING TO VOTING MACHINES; DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. "General election" means the national, state and county election held on the first Tuesday succeeding the first Monday of November in each even-numbered year.

SECTION 2. "Primary election" means the election held on the Tuesday succeeding the fourth Monday of August in each even-numbered year.

SECTION 3. "Special election" means any national, state and county election held at a time other than the general or primary election for any purpose provided by law.

SECTION 4. "Qualified elector" or "elector" means a person who is twenty-one (21) years of age, is a United States citizen and has resided within the state at least six (6) months and in the county at least thirty (30) days next preceding the election at which he desires to vote.

SECTION 5. "Registered elector" means a qualified elector who has

registered as provided by law.

SECTION 6. "Special presidential elector" means any person who has resided within this state for less than six (6) months, but for the period required by the constitution or any person who has resided in this state for over six (6) months but not within the county in which he is required to vote for at least thirty (30) days preceding the general election at which presidential electors are being voted upon. Such persons, if registered, shall be allowed to vote for presidential electors only.

SECTION 7. "Domicile" means the physical presence of the person at a specific place within the state with the intent to make it a fixed and permanent home. "Residence", for voting purposes, means the establishment of a domicile within the state and a county for the period required by law, but residence is not lost by any qualified elector if he temporarily removes his domicile to another state or county with the intent to return to the area of his permanent domicile and does not register and vote at his temporary domicile.

SECTION 8. "Election official" means the secretary of state, any county clerk, judge of election, clerk of election, canvassing board or board of county commissioners engaged in the performance of election duties as required by law.

SECTION 9. "Political party" means an affiliation of electors representing a political group under a given name as authorized by law.

SECTION 10. "Election register" means the voter registration cards of all electors who are qualified to appear and vote at the designated polling places.

SECTION 11. "Election record" or "poll book" means the book containing a list of registered voters who have appeared and voted at the proper polling place. Names shall be entered in the poll book in the order in which the ballots are deposited in the ballot boxes or in the order in which the persons leave the polling place after casting their votes in a voting machine.

SECTION 12. "County clerk" means the clerk of the district court.

SECTION 13. "Candidate" means and includes every person for whom it is contemplated or desired that votes be cast at any political convention, primary, general or special election, and who either tacitly or expressly consents to be so considered, except candidates for president and vice-president of the United States.

SECTION 14. "Tally book" or "tally list" means the forms in which the votes cast for any candidate or special question are counted and totaled at the polling precinct.

SECTION 15. All references to the male elector includes the female elector and the masculine pronoun includes the feminine.

SECTION 16. Calendar days shall be used in all computations of time made under the provisions of this act. In computing time for any act to be done before any election, the first day shall be included and the last, or election day, shall be excluded. Sundays and legal holidays shall be included, but if the time for any act to be done shall fall on Sunday or a legal holiday, such act shall be done upon the day following such Sunday or legal holiday.

SECTION 17. The secretary of state is the chief election officer of this state, and it is his responsibility to obtain and maintain uniformity in the application, operation and interpretation of the election laws.

SECTION 18. In carrying out his responsibility under section 17, the secretary of state shall cause to be prepared and distributed to each county clerk detailed and comprehensive written directives and instructions relating to and based upon the election laws as they apply to elections, registration of electors and voting procedures which by law are under the direction and control of the county clerk. Such directives and instructions shall include sample forms of ballots, papers, documents, records and other materials and supplies required by such election laws. The secretary of state shall prescribe a form for voter registration cards based on the voter registration laws and, from time to time, shall cause to be prepared and distributed to each county clerk such written corrections of such directives and instructions and of the form for registration cards as are necessary to maintain uniformity in the application, operation and interpretation of and to reflect changes in the election laws. Each county clerk affected thereby shall comply with such directives and instruction, and corrections thereof, and shall provide voter registration cards prepared in accordance with the prescribed form.

SECTION 19. In carrying out his responsibility under section 17, the secretary of state shall assist and advise each county clerk with regard to the application, operation and interpretation of the election laws as they apply to elections, registration of electors and voting procedures which by laws are under the direction and control of the county clerk.

SECTION 20. In carrying out his responsibility under section 17, the secretary of state shall cause to be organized and conducted at convenient places and times in this state at least three (3) conferences on the administration of the election laws. The secretary of state shall cause written notice of the place and time of each conference to be given to each county clerk. Each county clerk or his designated deputy shall attend at least one (1) of the conferences and shall comply with the instructions given under the

authority of the secretary of state at each conference such county clerk attends.

SECTION 21. The secretary of state shall:

(1) Prepare and cause to be printed, in appropriate and convenient form, periodic compilations and digests of the election laws.

(2) Distribute in appropriate quantities to the county clerks for use by such county clerks and by election boards, copies of such compilations and digests and the sample form of such supplies and materials necessary to conduct elections as the secretary of state considers appropriate, including poll books, tally sheets, return sheets and abstract of vote sheets.

(3) Make such compilations and digests available for distribution, free or at cost, to interested persons.

SECTION 22. Subject to and in accordance with the directives and instructions prepared and distributed or given under the authority of the secretary of state, each county clerk shall exercise general supervision of the administration of the election laws by each local election official in his county for the purpose of achieving and maintaining a maximum degree of correctness, impartiality, efficiency and uniformity in such administration by local election officials. If two (2) or more county clerks exercise general supervision under this section of the administration of the election laws by the same local election official, such county clerks shall cooperate and coordinate to insure uniformity of such general supervision.

SECTION 23. Each county clerk may prepare and issue such directives and instructions as he considers necessary to facilitate and assist in carrying out his exercise of general supervision under section 22. Such directives and instructions shall be directed to and shall be complied with by each local election official affected thereby. Each county clerk shall distribute to each local election official affected thereby a copy of each directive or instruction prepared and issued under this section. Each county clerk may make available for distribution, free or at cost, to other interested persons such directives and instructions.

SECTION 24. In carrying out his exercise of general supervision under section 22, each county clerk shall:

(1) Subject to and in accordance with any applicable election law, devise and prescribe for use by each local election official in his county in the administration of the election laws the contents, forms, character and kinds of ballots, papers, documents, records and other materials and supplies required or permitted by the election laws or otherwise necessary in such administration by such local election officials. Each local election official shall use such ballots, papers, documents, records and other materials and

supplies so prescribed.

(2) Require each local election official in his county to submit reports pertaining to the administration of the election laws by such local election official. Each local election official shall comply with any such requirement.

(3) Inspect and observe the administration of the election laws by any local election official in his county at any time he deems necessary.

(4) Carry on a program of inservice training for local election officials in his county by periodically distributing to them such bulletins, manuals and other informational and instructional materials and by establishing and conducting such classes of instruction pertaining to the administration of the election laws by local election officials as the county clerk considers desirable.

SECTION 25. (1) The county clerk may employ such personnel and procure such equipment, supplies, materials, books, papers, records and facilities of every kind as he considers necessary to facilitate and assist in carrying out his functions in connection with administering the election laws.

(2) The necessary expenses incurred by the county clerk in administering the election laws, including reasonable rental for polling places, shall be allowed by the board of commissioners and paid out of the county treasury.

(3) The county clerk and his deputies may administer oaths and affirmations in connection with the performance of their functions in administering the election laws.

SECTION 26. Subject to any applicable election law, the county clerk may devise, prepare and use in his administration of the election laws the ballots, papers, documents, records and other materials and supplies required or permitted by the election laws or otherwise necessary in such administration by such county clerk.

SECTION 27. On the day of any general, special or primary election held throughout the county, the county clerk shall keep his office open for the transaction of business pertaining to the election from the time the polls are opened in the morning continuously until the polls are closed.

SECTION 28. (1) Any person having knowledge of any failure of a county clerk to comply with a lawful directive or instruction prepared and distributed or given under the authority of the secretary of state may notify the prosecuting attorney of the county. Upon receipt of such notification the prosecuting attorney shall proceed immediately to investigate the alleged failure of the county clerk to comply. Upon the conclusion of the investigation the prosecuting attorney shall advise and direct the county

clerk with regard to how he must proceed in connection with the matter. The county clerk shall proceed immediately to comply with the directive of the prosecuting attorney.

(2) If the prosecuting attorney, upon the conclusion of an investigation under subsection (1) of this section, determines that the county clerk has failed to comply with a lawful directive or instruction prepared and distributed or given under the authority of the secretary of state, and that such failure to comply involves a violation by the county clerk of any statute, the violation of which is punishable by a criminal penalty or forfeiture of office, the prosecuting attorney shall promptly proceed to prosecute such violation by the county clerk.

(3) The remedy provided in this section is cumulative and does not exclude any other remedy provided by law against a county clerk who fails to comply with a lawful directive or instruction prepared and distributed or given under the authority of the secretary of state, or who violates any statute.

SECTION 29. (1) Whenever it appears to the secretary of state that a county clerk has failed to comply with a lawful directive or instruction prepared and distributed or given under the authority of the secretary of state, the secretary of state may apply to the appropriate district court or a judge thereof for a writ of mandamus to compel the county clerk to comply with such directive or instruction. In any such mandamus proceeding it is a defense that the directive or instruction in question is unlawful.

(2) The remedy provided in this section is cumulative and does not exclude any other remedy provided by law against a county clerk who fails to comply with a lawful directive or instruction prepared and distributed or given under the authority of the secretary of state.

SECTION 30. (1) Whenever it appears to a county clerk that any local election official in his county has failed to comply with any election law or any directive or instruction prepared and issued by the county clerk, the county clerk may issue an order to such local election official. The order shall specify in what manner the local election official has failed to comply, indicate the proper manner of compliance and direct the local election official to so comply with such law or directive or instruction within a designated reasonable time.

(2) If the local election official fails to comply as directed by the order of the county clerk, the county clerk may apply to a judge of the district court for the county in which the county clerk holds office for an order, returnable within five (5) days from the date thereof, to compel the local election official to comply with the order of the county clerk or to show

cause why he should not be so compelled. Upon receipt of the application of the county clerk the judge shall issue the appropriate order, which shall be final. The judge shall dispose of the matter as soon as possible and not more than ten (10) days after his order is returned by the local election official.

(3) The remedy provided in this section is cumulative and does not exclude any other remedy provided by law against the non-complying local election official.

SECTION 31. (1) Any person adversely affected by any act or failure to act by the secretary of state or a county clerk under any election law, or by any order, rule, regulation, directive or instruction made under the authority of the secretary of state or of a county clerk under any election law, may appeal therefrom to the district court for the county in which the act or failure to act occurred or in which the order, rule, regulation, directive or instruction was made or in which such person resides.

(2) Any party to the appeal proceedings in the district court under subsection (1) of this section may appeal from the decision of the district court to the supreme court.

(3) The district courts and supreme court, in their discretion, may give such precedence on their dockets to appeals under this section as the circumstances may require.

(4) The remedy provided in this section is cumulative and does not exclude any other remedy provided by law against any act or failure to act by the secretary of state or a county clerk under any election law or against any order, rule, regulation, directive or instruction made under the authority of the secretary of state or a county clerk under any election law.

SECTION 32. The board of county commissioners in each county shall establish a convenient number of election precincts therein. The board shall have the authority to create new or consolidate established precincts only within the boundaries of the legislative districts provided by section 67-202, Idaho Code. No county shall have less than three (3) precincts. This board action shall be done no later than the regular January meeting in a general election year.

SECTION 33. The board shall, not less than thirty (30) days before any election, designate a suitable polling place for each election precinct. The physical arrangements of the polling place shall be sufficient to guarantee all voters the right to cast a secret ballot. The expense of providing such polling places shall be a public charge and paid out of the county treasury.

SECTION 34. The county clerk shall appoint two (2) or more election

judges, one (1) of whom shall be designated chief judge, and the number of clerks deemed necessary by him for each polling place. No election board for a polling place shall exceed ten (10) members.

The chief election judge shall be responsible for the conduct of the proceedings in the polling place. Compensation for all election personnel shall be determined by the board of county commissioners.

Each election board shall contain personnel representing all existing political parties if a list of applicants has been provided to the county clerk by the precinct committeemen of the precincts at least sixty (60) days prior to the primary election.

SECTION 35. The judges of the election shall, if requested at any time, permit one (1) person authorized by each political party to be at the polling place for the purpose of challenging voters, and shall, if requested, permit any candidate, or one (1) person authorized by a candidate, several candidates or political party, to be present to watch the receiving and counting of the votes. Such authorization shall be evidenced by a writing signed by the county chairman and secretary of the political party, or by the candidate or candidates, and filed with the judges of the election. Persons permitted to be present to watch the counting of the votes shall not absent themselves until the polls are closed.

SECTION 36. Electors are privileged from arrest, except for treason, a felony or breach of the peace, during their attendance at a polling place.

SECTION 37. Every male or female citizen of the United States, twenty-one (21) years old, who has actually resided in this state for six (6) months, and in the county where he or she offers to vote for thirty (30) days next preceding the day of election, is a qualified elector unless otherwise provided. All other persons, if they have resided in this state for the period required by the constitution, are qualified to vote for presidential electors if registered within the time period provided by law.

SECTION 38. No elector shall be permitted to vote if he is disqualified as provided in article 6, sections 2 and 3 of the state constitution.

SECTION 39. All qualified electors must register as provided by law before being able to vote at any primary, general, special or any other election at which registration is required.

SECTION 40. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his absence while employed in the service of this state or the United States, while a student of any institution of learning, while kept at any state institution at public expense, nor absent from the state with the intent to have this state remain his residence. If a person is absent from this state but intends to maintain his

residence for voting purposes here, he shall not register to vote in any other state during his absence.

SECTION 41. (1) Each county clerk shall appoint an official registrar for each voting precinct within the county on March 1, preceding each general election. Each registrar shall be a qualified elector of the precinct for which he is appointed and shall serve until his successor is appointed and qualified. The precinct committeemen shall recommend persons for the position to the county clerk in writing at least ten (10) days prior to the date on which any appointment shall be made and the county clerk shall appoint the registrar from such lists if the persons recommended are qualified.

(2) The county clerk shall furnish each registrar with the supplies and materials necessary for the performance of his functions and shall supervise and instruct him in such performance.

(3) Each official registrar shall establish and maintain a permanent place, and such temporary places he deems necessary for the registration of electors. In so far as practicable, he shall acquaint the public with the location of such place or facility, the facilities available for registration and the ease and convenience with which registration may be accomplished. Each registrar shall receive such compensation as determined by the board of county commissioners which shall not exceed fifty cents (\$.50) for each voter personally registered by him.

(4) Each official registrar may administer oaths and affirmations in connection with the performance of his functions.

(5) At the end of each week each official registrar shall deliver, by certified mail or in person to the county clerk, the official registration cards of all electors registered by him during the week. The county clerk may reject any such registration if he determines that the elector is not qualified or that the official registration card is inaccurate or incomplete. The county clerk shall immediately notify the elector in writing of such rejection, by certified mail or otherwise. Such elector shall have ten (10) days from the date of such notice to perfect his registration.

SECTION 42. (1) Any county clerk or official registrar shall register without charge any qualified elector who personally appears in the office of the county clerk or before the official registrar, as the case may be, and requests to be registered.

(2) Upon receipt of a written application to the county clerk from any qualified elector who, by reason of illness or physical incapacity is prevented from personally appearing in the office of the county clerk or before an official registrar, the county clerk or an official registrar so directed by the

county clerk shall register such elector at the place of abode of the elector.

SECTION 43. (1) No elector may register within two (2) days preceding any election held throughout the county in which he resides for the purpose of voting at such election.

(2) Any elector who will complete his residence requirement or attain the age of twenty-one (21) years during the period when the register of electors is closed may register prior to the closing of the register.

SECTION 44. On the last day for registration of electors, including Saturday, the county clerk in all counties shall keep his office open for registration of electors from the time the office is opened in the morning continuously until 8:00 p.m.

SECTION 45. An elector absent from the state may register by:

(1) Signing a statement, under oath or affirmation, containing the same information as an official registration card or by completing an official registration card before a notary public or an official with elector registration functions similar to those of a county clerk or official registrar, and by mailing such statement or card to the county clerk of the county in which the elector resides; or

(2) Mailing a request for registration to the county clerk of the county in which the elector resides, and the postmark on such request indicates that it was posted not less than ten (10) days preceding the election. Upon receipt of such request the county clerk shall send to the elector an official registration card. The elector shall complete the card before a notary public or an official with elector registration functions similar to those of a county clerk or official registrar and shall return it to the county clerk.

SECTION 46. (1) Each elector who requests registration shall supply the following information under oath or affirmation:

(a) His full name, sex, and age.

(b) His mailing address, his residence address or any other necessary information definitely locating his residence.

(c) The period of time preceding the date of registration during which he has resided in the state.

(d) Whether or not he is a naturalized citizen. If he is a naturalized citizen and if he has not been previously registered in the county as a naturalized citizen, the elector shall exhibit his final citizenship papers or an authenticated copy thereof.

(e) His social security number, if any.

(f) That he is under no legal disqualifications to vote.

(g) The county and state where he was previously registered, if any.

(2) Any elector who shall supply any information under subsection (1) of this section, knowing it to be false, is guilty of perjury.

SECTION 47. (1) The qualifications of any person who requests to be registered shall be determined in the first instance by the registering official from the evidence before him. If the registering official determines that such person is not qualified, he shall refuse to register the person.

(2) A person refused registration under subsection (1) of this section may make application to the county clerk for a hearing on his qualifications. Not more than ten (10) days after the date he receives such application, the county clerk shall hold a hearing on the qualifications of the applicant and shall notify the applicant of the place and time of such hearing. At such hearing the applicant may present evidence as to his qualifications, provided that no hearing shall be held subsequent to any election which is held within said ten (10) day period. If the county clerk determines that the applicant is qualified, the county clerk shall register the applicant immediately upon the conclusion of the hearing.

SECTION 48. An elector who changes his residence shall reregister; provided that any elector who moves within a precinct, or from one (1) precinct to another precinct within the same county, within thirty (30) days prior to any election shall be permitted to vote in the ensuing election if he obtains a certificate of registration from the county clerk. Upon delivery of the certificate to the registrar of the precinct in which he is currently resident, the elector shall be permitted to vote the entire ballot or ballots issued to that precinct.

SECTION 49. Any elector who changes his residence from one (1) county to another within the thirty (30) days prior to any election shall be permitted to vote at the ensuing election for presidential electors only.

SECTION 50. (1) An application for a certificate of registration may be made to the appropriate county clerk in person or in writing. The application shall contain the former and new residence address of the elector and shall be signed by the elector using the same name as appears on his official registration card.

(2) Upon receipt of an application for a certificate of registration, the county clerk shall immediately cancel the applicant's current registration. In order to vote at any election subsequent to the election for which the certificate was issued, the elector must reregister as provided by law.

(3) Certificates of registration shall be issued only by the county clerk.

SECTION 51. (1) The county clerk or official registrar shall enter the information supplied by the elector under section 46 of this act on a

registration card executed in duplicate which shall contain the following warning:

WARNING: Any elector who supplies any information, knowing it to be false, is guilty of perjury.

(2) The elector shall read the warning set forth in subsection (1) of this section and shall sign his name in an appropriate place on the completed card. The official who personally registers the elector shall sign his name and title in attestation in an appropriate place on the completed card.

(3) The registration card completed and signed as provided in this section constitutes the official registration card of the elector. The county clerk shall keep and file all such cards in a convenient manner in his office. Such cards constitute the register of electors and are available for public inspection.

SECTION 52. When changes in the boundaries of any precinct are made, the county clerk shall alter the official registration card of any elector to conform with the change and shall mail a written notice thereof to such elector at his residence address indicated on the altered registration card.

SECTION 53. Each week the county clerk shall review the registration cards of all newly registered electors for the past weekly period to determine whether they have been previously registered to vote in another state or in another county within this state. The county clerk shall mail a notification of registration to the proper registration official or county clerk where the elector was previously registered. This notice shall explain that the elector has appeared and registered in this county. The form of such notice shall be prescribed by the secretary of state.

SECTION 54. The county clerk shall remove from the register of electors the official registration card of any elector who appears by the registration records in the office of the county clerk not to be a citizen of the United States and shall suspend the registration of such elector. The county clerk shall mail a written notice of such removal and suspension to the elector at his residence address indicated on the card. If the elector proves to the county clerk that he is in fact a citizen of the United States, his card shall be replaced in the register and his registration reinstated.

SECTION 55. No elector's registration shall be cancelled, nor shall he be deprived of his right to vote at any election by reason of the removal of his official registration card from the register of electors, during any period that he is serving in the Armed Forces of the United States or of any ally of the United States.

SECTION 56. (1) An elector shall reregister if:

- (a) His registration is cancelled by the county clerk as provided by law.
- (b) He changes his residence.
- (c) His name is changed by marriage or court order.

(2) An elector shall be reregistered in the same manner as a first registration.

SECTION 57. (1) In lieu of reregistration as provided in section 56 of this act, if an elector changes his residence to another precinct within the county or if his name is changed by marriage or by court order, he shall transfer his registration by delivering, by mail or otherwise, to the county clerk at any time during the period when the register of electors is open, a form furnished by the county clerk. The form shall contain the former and new residence address or the former and new name of the elector, or both, as the case may be, and shall be signed by the elector using the same name as appears on his official registration card.

(2) Upon receiving an application under subsection (1) of this section the county clerk shall compare the signature of the elector thereon with the signature of the elector on his official registration card. If such signatures appear to be the same, the county clerk shall record the change upon the official registration card. Such recording constitutes the transfer of registration and the county clerk shall mail a written notice thereof to the elector at his residence address then indicated on the card. The county clerk shall retain the application for two (2) years from the date of receipt thereof.

(3) If the county clerk is not satisfied that such signatures are the same, he shall mail to the elector at his present residence address indicated on the application a written notice directing the elector to appear in the office of the county clerk on a date not less than ten (10) days after the date of such notice to answer questions necessary to determine whether the elector is qualified for transfer of registration. If the elector fails to so appear, his registration shall not be transferred as requested in his application.

SECTION 58. An individual who is registered and in all other respects qualified to vote, whose name has been changed during the period when the register of electors is closed, by either marriage or by court order, may upon presentation of proof of change of name, vote in the precinct in which he is registered under his former name. At the time of voting he shall fill out and sign a reregistration card at the polling place.

SECTION 59. A person who is a qualified elector except that he has

resided in this state less than six (6) months, but for the period required by the constitution, immediately preceding the election is entitled to vote in the election for president or vice president of the United States.

SECTION 60. (1) Any county clerk shall issue a special registration certificate without charge to any person referred to in section 59 of this act who personally appears in the office of the county clerk and requests to be registered for the purpose of voting for the candidates referred to in section 59 of this act.

(2) A person who requests registration under subsection (1) of this section shall supply, under oath or affirmation, the information referred to in subsection (1) of section 46 of this act.

(3) Any person who shall supply any information under subsection (2) of this section, knowing it to be false, is guilty of perjury.

SECTION 61. (1) The county clerk shall enter the information supplied by a person under subsection (2) of section 60 of this act on a form prepared for such purpose. The form shall contain the warning set forth in subsection (1) of section 51 of this act.

(2) The person shall read the warning referred to in subsection (1) of this section and shall sign his name in an appropriate place on the completed form. The official who personally registers the person shall sign his name and title in attestation in an appropriate place on the completed form.

(3) The form completed and signed as provided in this section constitutes the special registration certificate. The county clerk shall issue a duplicate of the certificate to the person, and shall keep and file all original copies of the certificates in a convenient manner in his office. The original copies of the certificates are available for public inspection.

SECTION 62. (1) A person registered under section 59 to section 65 of this act shall reregister if:

- (a) He changes his residence to another precinct within the state.
- (b) His name is changed by marriage or court order.

(2) The person shall be reregistered in the same manner as a first registration under sections 59 to 65 of this act.

SECTION 63. A person registered under section 46 of this act who changes his residence within the state during the period when the register of electors is closed may, upon request therefor and surrender of the special registration certificate previously issued to him, procure from the county clerk of the county in which he previously resided another special registration certificate. Upon delivery of the certificate to the election board and upon subscribing to an oath or affirmation before one of the election

board clerks stating his present residence and that he has removed to such residence since the close of the register, the person shall be permitted to vote in the precinct in which he presently resides.

SECTION 64. A special registration certificate issued under section 59 to section 65 of this act is invalid for all purposes after the election for which it is issued. A person shall surrender his copy of the certificate to the election board at the time he votes, and the election board shall deliver all such copies to the county clerk immediately after the completion of the counting of the ballots. The county clerk shall preserve all original and duplicate copies of the certificates for two (2) years after the election.

SECTION 65. (1) Sections 41, 42, 45, 51, 52, 56, 57 and 72 do not apply to registration under sections 59 to 65 of this act.

(2) Except as otherwise provided in sections 59 to 65 of this act, the registration and voting of persons referred to in section 61 shall be governed in as nearly as possible the same manner as the registration and voting of other qualified electors.

SECTION 66. At the time of any election, any registered elector may challenge the entry of an elector's name as it appears in the election register. Such a challenge will be noted in the remarks column following the elector's name stating the reason, such as "died", "moved", or "incorrect address". The individual making the challenge shall sign his name following the entry.

SECTION 67. (1) Within sixty (60) days after each election, the county clerk shall examine the election register and note the challenges as described in section 66 of this act. The county clerk shall mail a written inquiry to the challenged elector at his mailing address as indicated on his registration card. Such inquiry shall state the nature of the challenge and provide a suitable form for reply.

(2) Within sixty (60) days from date of mailing of the written inquiry the elector may, in person or in writing, state that the information on his registration card is correct or he may request a change in the information on his registration card. Upon receipt of such a statement or request the county clerk shall consider the challenge satisfied. If the elector fails to do either of these things, the county clerk shall cancel the registration of the challenged elector.

SECTION 68. The state board of health shall, on or about the 25th day of each month, furnish to the secretary of state a listing showing the name, age, county of residence and residence address of each Idaho resident who has died during the preceding month. The secretary of state shall sort this list by county and furnish a copy of same to each county clerk. Each

county clerk shall immediately cancel all registrations of individuals reported as deceased by the state board of health in the board's report to the secretary of state.

SECTION 69. Copies of all notices and other correspondence issued pursuant to the directives contained in sections 67 and 68 of this act shall be retained by the county clerk for a period of two (2) years from date of mailing.

SECTION 70. Within sixty (60) days following the date of any general election, the county clerk shall examine the election register and the signed statements of challenge made at that election. After this examination, the county clerk shall immediately cancel the registration of any elector who did not vote at any election for which registration is required in the past eight (8) years.

SECTION 71. All correspondence relating to the cancellation of an elector's registration shall be preserved by the county clerk for a period of two (2) years following the time of any general election.

SECTION 72. (1) The secretary of state or each of the county clerks, upon receiving a request therefor not later than the sixtieth (60th) day before a general, special or primary election, shall supply to any political party, a list of the registered electors of the county on the sixtieth (60th) day before the election and their addresses, arranged in groups according to election precincts. The secretary of state or county clerks shall make, collect and pay into the state or county treasury a charge for supplying lists of registered electors under this subsection sufficient to cover the additional actual cost thereof to the state or county.

(2) No person to whom a list of registered electors is made available or supplied under subsection (1) of this section and no person who acquires a list of registered electors prepared from such list shall use any information contained therein for commercial purposes.

SECTION 73. Any county may utilize a data-processing system for voter registration. Any data-processing system of registration shall conform to the provisions of this act and be approved by the secretary of state.

SECTION 74. A "political party," within the meaning of this act, is an organization of electors under a given name. A political party shall be deemed created and qualified to participate in elections in either of the two (2) following ways:

(1) By having three (3) or more candidates for state office listed under the party name at the last general election, or

(2) By presenting and filing a petition with the secretary of state signed

by qualified electors equal in number to ten percent (10%) of the total vote cast for the office of governor at the last gubernatorial election. Such endorsers of the petition need not necessarily be representatives or members of the group or party whose petition they endorse. Such petition shall declare that the signers endorse the doctrines of the party or group, the name of which shall be stated, and that they desire to participate and elect officers and nominate candidates by a state convention of all members of the party who wish to participate in such convention. The party or group may after filing a qualified petition proceed to hold a state convention in the manner and at the time provided by law; provided, that at the initial convention of any such newly organized political party, all members of the party shall be entitled to attend the convention and participate in the election of officers and the nomination of candidates. Thereafter, the conduct of any subsequent conventions shall be as provided by law. The petition must be filed ten (10) days prior to the last day provided by law for the holding of state party conventions and may contain the platform of the party. The names of the electors so petitioning need not all be on one (1) petition, but may be on one (1) or more petitions but each petition shall be verified by at least one (1) signer thereof to the effect that the signers are qualified electors of the state of Idaho according to his best information and belief.

SECTION 75. The county central committee of each political party in each county shall consist of the precinct committeemen representing the precincts within the county and the county chairman elected by the precinct committeemen. The precinct committeemen within each county shall meet at the county seat within ten (10) days after the primary election and at the time and date designated by the incumbent county chairman, and shall organize by electing a chairman, vice chairman, a secretary, a state committeeman, a state committeewoman, and such other officers as they may desire who shall hold office at the pleasure of the county central committee or until their successors are elected.

SECTION 76. The legislative district central committee of each political party in each legislative district shall consist of the precinct committeemen representing the precincts within the legislative district, and the legislative district chairman elected by the precinct committeemen. The precinct committeemen within each legislative district shall meet within the legislative district within eleven (11) days after the primary election, the meeting time and place to be designated by the incumbent legislative district chairman. At this meeting the precinct committeemen shall organize by

electing a chairman, vice chairman, a secretary and such other officers as they may desire, who shall hold office at the pleasure of the legislative district central committee or until their successors are elected.

SECTION 77. The state central committee of each political party shall consist of all legislative district chairmen, all county central committee chairmen, all state committeemen, and state committeewomen selected by the county central committees. Each of the above members of the state central committee shall be entitled to vote at all meetings of the state central committee.

SECTION 78. The county central committee shall have all the powers and duties prescribed by state law and rules and regulations promulgated and adopted by the state conventions or the state central committee.

SECTION 79. The legislative district central committee shall have all the powers and duties prescribed by state law and rules and regulations promulgated and adopted by the state conventions or the state central committee.

SECTION 80. The delegates to the state convention of each political party shall be selected as follows:

(1) Each county delegation shall consist of the county chairman, the state committeeman, the state committeewoman and two (2) members selected by the county central committee.

(2) Each legislative district delegation shall consist of the legislative district chairman, the incumbent state legislators, one (1) delegate for each two thousand (2000) votes, or major fraction thereof, cast for the office of United States representative of that political party at the last primary election within that legislative district. The delegates shall be selected by the members of the legislative district central committee.

All central committees shall select alternate delegates equal to the number of official delegates to which they are entitled.

SECTION 81. Elections shall be held in this state on the following dates or times:

(1) A primary election shall be held on the Tuesday after the fourth Monday of August, 1972, and every two (2) years thereafter on the above-mentioned Tuesday.

(2) A general election shall be held on the first Tuesday after the first Monday of November, 1972, and every two (2) years thereafter on the above-mentioned Tuesday.

(3) Special state elections shall be held on the dates ordered by the governor's proclamation, or as otherwise provided by law.

SECTION 82. The several county clerks shall publish at least two (2) times, the notices for any primary, general or special election. The notice shall state the date of the election, the polling place in each precinct and the hours during which the polls shall be open for the purpose of voting.

The first notice shall be published at least twelve (12) days prior to any election and the second notice shall be published not later than five (5) days prior to the election. The notice of election shall be published in at least two (2) newspapers published within the county, but if this is not possible, the notice shall be published in one (1) newspaper published within the county or a newspaper which has general circulation within the county.

SECTION 83. Whenever a proposed constitution, constitutional amendment or other question is to be submitted to the people of the state for popular vote, it shall be certified by the secretary of state to the county clerks at least sixty (60) days before the election at which it will be voted upon. It shall be published in the form prescribed by the secretary of state.

SECTION 84. (1) At the general election, 1972, and every six (6) years thereafter, there shall be elected one (1) United States senator. At the general election, 1974, and every six (6) years thereafter, there shall be elected one (1) United States senator.

(2) No person shall be elected to the office of United States senator unless he has attained the age of thirty (30) years at the time of his election, has been a citizen of the United States at least nine (9) years and shall have resided within the state two (2) years next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the secretary of state. Each declaration shall have attached thereto a petition which shall contain the signatures of one thousand (1000) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of two hundred fifty dollars (\$250) which shall be deposited in the general fund.

SECTION 85. (1) At the general election, 1972, and every alternate year thereafter, there shall be elected in each United States congressional district a member of the United States house of representatives and any additional number of representatives to which the state may be entitled in the state at large.

(2) No person shall be elected to the house of representatives unless he has attained the age of twenty-five (25) years at the time of his election, has been a citizen of the United States at least seven (7) years and shall have resided within the state for two (2) years next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the

secretary of state. Each declaration shall have attached thereto a petition which shall contain the signatures of five hundred (500) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of one hundred fifty dollars (\$150) which shall be deposited in the general fund.

SECTION 86. (1) At the general election, 1972, and every four (4) years thereafter, there shall be elected such a number of electors of president and vice president of the United States as the state may be entitled to in the electoral college.

(2) No person shall be elected to this position unless he has attained the age of twenty-one (21) years at the time of the election, is a citizen of the United States and shall have resided within the state two (2) years next preceding his election.

(3) Such electors shall be certified to the secretary of state as provided for by law.

SECTION 87. (1) At the general election, 1974, and every four (4) years thereafter, a governor shall be elected.

(2) No person shall be elected to the office of governor unless he shall have attained the age of thirty (30) years at the time of his election, is a citizen of the United States and shall have resided within the state two (2) years next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the secretary of state. Each declaration shall have attached thereto, a petition which shall contain the signatures of one thousand (1000) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of one hundred fifty dollars (\$150) which shall be deposited in the general fund.

SECTION 88. (1) At the general election, 1974, and every four (4) years thereafter, there shall be elected a lieutenant governor.

(2) No person shall be elected to the office of lieutenant governor unless he shall have attained the age of thirty (30) years at the time of his election, is a citizen of the United States and shall have resided within the state two (2) years next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the secretary of state. Each declaration shall have attached thereto, a petition which shall contain the signatures of one thousand (1000) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of one hundred dollars (\$100) which shall be

deposited in the general fund.

SECTION 89. (1) At the general election, 1974, and every four (4) years thereafter, a secretary of state shall be elected.

(2) No person shall be elected to the office of secretary of state unless he shall have attained the age of twenty-five (25) years at the time of his election, is a citizen of the United States and shall have resided within the state two (2) years next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the secretary of state. Each declaration shall have attached thereto a petition which shall contain the signatures of one thousand (1000) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of one hundred dollars (\$100) which shall be deposited in the general fund.

SECTION 90. (1) At the general election, 1974, and every four (4) years thereafter, a state auditor shall be elected.

(2) No person shall be elected to the office of state auditor unless he shall have attained the age of twenty-five (25) years at the time of his election, is a citizen of the United States and shall have resided within the state two (2) years next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the secretary of state. Each declaration shall have attached thereto a petition which shall contain the signatures of one thousand (1000) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of one hundred dollars (\$100) which shall be deposited in the general fund.

SECTION 91. (1) At the general election, 1974, and every four (4) years thereafter, a state treasurer shall be elected.

(2) No person shall be elected to the office of state treasurer unless he shall have attained the age of twenty-five (25) years at the time of his election, is a citizen of the United States and shall have resided within the state two (2) years next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the secretary of state. Each declaration shall have attached thereto a petition which shall contain the signatures of one thousand (1000) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of one hundred dollars (\$100) which shall be deposited in the general fund.

SECTION 92. (1) At the general election, 1974, and every four (4) years thereafter, an attorney general shall be elected.

(2) No person shall be elected to the office of attorney general unless he shall have attained the age of thirty (30) years at the time of his election, is admitted to the practice of law within the state, is a citizen of the United States and shall have resided within the state two (2) years next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the secretary of state. Each declaration shall have attached thereto a petition which shall contain the signatures of one thousand (1000) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of one hundred dollars (\$100) which shall be deposited in the general fund.

SECTION 93. (1) At the general election, 1974, and every four (4) years thereafter, a superintendent of public instruction shall be elected.

(2) No person shall be elected to the office of superintendent of public instruction unless he shall have attained the age of twenty-five (25) years at the time of his election; is a citizen of the United States; holds a valid life or state life teaching certificate; is a graduate of an approved normal school, college or university as determined by the state board of education; is actively engaged in educational work in the state public schools or in the state educational institutions and shall have resided within the state two (2) years next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the secretary of state. Each declaration shall have attached thereto a petition which shall contain the signatures of one thousand (1000) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of one hundred dollars (\$100) which shall be deposited in the general fund.

SECTION 94. (1) At the general election, 1972, and every alternate year thereafter, there shall be elected in each legislative district such representatives and senators as they may be severally entitled.

(2) No person shall be elected to the office of representative or senator unless he shall have attained the age of twenty-one (21) years at the time of his election, is a citizen of the United States and shall have resided within the legislative district one (1) year next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the secretary of state. Each declaration shall have attached thereto a petition which shall contain the signatures of at least fifty (50) but not more than two hundred (200) qualified electors which reside within the legislative district.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of fifteen dollars (\$15) which shall be deposited in the general fund.

SECTION 95. (1) At the general election, 1972, and every alternate year thereafter, there shall be elected justices of the supreme court to fill any vacancy or vacancies occasioned by the expiration of the term or terms of office of any member or members.

(2) No person shall be elected to the office of justice of the supreme court unless he has attained the age of thirty (30) years at the time of his election, is a citizen of the United States, is admitted to the practice of law within this state, and has resided within this state two (2) years next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the secretary of state. Each declaration shall have attached thereto a petition which shall contain the signatures of one thousand (1000) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of one hundred fifty dollars (\$150) which shall be deposited in the general fund.

SECTION 96. (1) At the general election, 1972, and every four (4) years thereafter, there shall be elected in each judicial district a sufficient number of district judges to fill any vacancy or vacancies occasioned by the expiration of the term or terms of office of any member or members.

(2) No person shall be elected to the office of judge of the district court unless he has attained the age of thirty (30) years at the time of his election, is a citizen of the United States, is admitted to the practice of law within this state, and shall have resided within the judicial district one (1) year next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the secretary of state. Each declaration shall have attached thereto a petition which shall contain the signatures of five hundred (500) qualified electors which reside within the judicial district.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of seventy-five dollars (\$75) which shall be deposited in the general fund.

SECTION 97. (1) A board of county commissioners shall be elected in each county at the general elections as provided by section 31-703, Idaho Code.

(2) No person shall be elected to the board of county commissioners unless he has attained the age of twenty-one (21) years at the time of the

election, is a citizen of the United States, and shall have resided in the county one (1) year next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the county clerk. Each declaration shall have attached thereto a petition which contains the signatures of not less than five (5) nor more than ten (10) qualified electors from his commissioner district.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of forty dollars (\$40) which shall be deposited in the county treasury.

SECTION 98. (1) At the general election, 1972, and every four (4) years thereafter, a sheriff shall be elected in every county.

(2) No person shall be elected to the office of sheriff unless he has attained the age of twenty-one (21) years at the time of his election, is a citizen of the United States and shall have resided within the county one (1) year next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the county clerk. Each declaration shall have attached thereto a petition which contains the signatures of not less than five (5) nor more than ten (10) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of forty dollars (\$40) which shall be deposited in the county treasury.

SECTION 99. (1) At the general election, 1974, and every four (4) years thereafter, a clerk of the district court shall be elected in every county. The clerk of the district court shall be the ex-officio auditor and recorder.

(2) No person shall be elected to the office of clerk of the district court unless he has attained the age of twenty-one (21) years at the time of his election, is a citizen of the United States, and shall have resided within the county one (1) year next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the county clerk. Each declaration shall have attached thereto a petition which contains the signatures of not less than five (5) nor more than ten (10) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of forty dollars (\$40) which shall be deposited in the county treasury.

SECTION 100. (1) At the general election, 1972, and every alternate year thereafter, a county treasurer shall be elected in every county. The county treasurer shall be the ex-officio public administrator and ex-officio

tax collector.

(2) No person shall be elected to the office of county treasurer unless he has attained the age of twenty-one (21) years at the time of his election, is a citizen of the United States and shall have resided within the county one (1) year next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the county clerk. Each declaration shall have attached thereto a petition which contains the signatures of not less than five (5) nor more than ten (10) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of forty dollars (\$40) which shall be deposited in the county treasury.

SECTION 101. (1) At the general election, 1972, and every alternate year thereafter, a county assessor shall be elected in every county.

(2) No person shall be elected to the office of county assessor unless he has attained the age of twenty-one (21) years at the time of his election, is a citizen of the United States and shall have resided within the county one (1) year next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the county clerk. Each declaration shall have attached thereto a petition which contains the signatures of not less than five (5) nor more than ten (10) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of forty dollars (\$40) which shall be deposited in the county treasury.

SECTION 102. (1) At the general election, 1972, and every alternate year thereafter, a coroner shall be elected in every county.

(2) No person shall be elected to the office of coroner unless he has attained the age of twenty-one (21) years at the time of his election, is a citizen of the United States and shall have resided within the county one (1) year next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the county clerk. Each declaration shall have attached thereto a petition which contains the signatures of not less than five (5) nor more than ten (10) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of ten dollars (\$10) which shall be deposited in the county treasury.

SECTION 103. (1) At the general election, 1972, and every alternate

year thereafter, a prosecuting attorney shall be elected in every county.

(2) No person shall be elected to the office of prosecuting attorney unless he has attained the age of twenty-one (21) years at the time of his election, is admitted to the practice of law within this state, is a citizen of the United States and shall have resided within the county for one (1) year next preceding his election.

(3) Each candidate shall file his declaration of candidacy with the county clerk. Each declaration shall have attached thereto a petition which contains the signatures of not less than five (5) nor more than ten (10) qualified electors.

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of forty dollars (\$40) which shall be deposited in the county treasury.

SECTION 104. (1) At the primary election, 1972, and every alternate year thereafter, a precinct committeeman for each political party shall be elected in every voting precinct within each county.

(2) No person shall be elected to the office of precinct committeeman unless he has attained the age of twenty-one (21) years at the time of his election, is a citizen of the United States and shall have resided within the voting precinct for a period of one (1) year next preceding his election.

(3) Each candidate shall file a declaration of candidacy with the county clerk. Each declaration shall have attached thereto a petition which contains the signatures of not less than five (5) nor more than ten (10) qualified electors from his precinct.

(4) No filing fee shall be charged any candidate at the time of his filing his declaration of candidacy.

SECTION 105. (1) The secretary of state shall prescribe the form for all declarations of candidacy and petitions required to be filed for any office. This form shall be uniform throughout the state.

(2) All filing fees shall be paid in cash, cashier's check, or postal money orders.

SECTION 106. In addition to possessing all other qualifications, in order to become a candidate at the general election, those candidates whose names are written in at the primary election must receive at least as many

* write-in votes at the primary election as the minimum number of signatures required on the petition which must be attached to the declaration of candidacy for that office, and must pay the filing fee required for that office within ten (10) days following the primary election.

SECTION 107. All candidates for United States senator and

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representative in congress and all elective state, district, county and precinct offices, at regular elections shall be nominated at the primary elections and shall comply with the provisions of this act.

SECTION 108. Any person legally qualified to hold such office is entitled to become a candidate and file his declaration of candidacy. Each candidate for office shall file his declaration of candidacy in the proper office between June 1 and 5 p.m. June 7 prior to the primary election. All candidates shall declare their party affiliation or that they are independent candidates in their declaration of candidacy.

SECTION 109. All candidates for county or precinct offices shall file their declarations of candidacy with the county clerk of their respective counties. All candidates for district, state and federal offices shall file their declarations of candidacy with the secretary of state.

SECTION 110. Within five (5) days after the deadline for filing declarations of candidacy the county clerk shall certify to the county central committee of each political party a list of the candidates for county and precinct offices of their political party which have filed and are qualified.

Within five (5) days after the deadline for filing declarations of candidacy the secretary of state shall certify to the legislative district central committee of each political party a list of the legislative candidates of their political party which have filed and are qualified.

Within seven (7) days after the deadline for filing declarations of candidacy the secretary of state shall certify to the state central committee of each political party a list of the candidates which have filed for federal and state offices under the party name and are qualified for their official endorsement at their respective state assemblies.

Independent candidates for any office filing declarations of candidacy shall have their names placed on the primary ballot as provided by law; provided, however, that independent candidates shall be required to receive ten percent (10%) of the total votes cast for that particular office at the primary election or their name shall not be placed on the general election ballot.

SECTION 111. A state convention shall be held by each political party not later than June 30 nor before June 15 in each election year at a time and place determined by the state central committee. The state central committee chairman shall preside and cause notice to be given to each

*The bracketed material on pages 388 and 389 was inadvertently omitted in the signed bill.

legislative district central committee and each county central committee at the earliest possible date.

Each state convention shall write and adopt rules and regulations governing the conduct of their respective conventions.

At their convention each political party may:

(1) Adopt and write a party platform.

(2) Elect any desired officers not otherwise provided for by law.

(3) In the year of presidential elections (a) elect delegates to the national convention in the manner prescribed by national party rules; (b) elect a national committeeman and a national committeewoman; and (c) select presidential electors.

(4) Endorse and select national and state candidates for the primary elections.

(5) Adopt rules, regulations and directives regarding party policies, practices and procedures.

SECTION 112. The convention shall have before it for consideration all candidates who have filed their declaration of candidacy for a federal or state office of the party represented at the convention. If only one (1) candidate has filed his declaration for any office, then only in that event shall one (1) candidate be nominated for such office. In all other events at least two (2) candidates shall be nominated for each office. All candidates receiving more than twenty per cent (20%) of the votes cast at the state convention on any ballot where at least two (2) candidates received more than twenty per cent (20%) of the votes cast at the state convention for any office, shall be nominated for that office. In the event at least two (2) candidates do not receive more than twenty per cent (20%) of the votes cast at the state convention for any office on any given ballot then the candidate receiving the least number of votes on said ballots shall be dropped from the subsequent ballot, and if on said subsequent ballot at least two (2) candidates do not receive more than twenty per cent (20%) of the votes cast at the state convention for said office, the candidate receiving the least number of votes on that ballot shall be dropped from the subsequent ballot; this procedure and the balloting shall continue until at least two (2) candidates shall have received more than twenty per cent (20%) of the votes cast at the state convention for such office at which time balloting for such office shall cease. No candidate shall be nominated for any office until at least (2) candidates are nominated for such office, unless only one (1) candidate has filed his declaration for such office as provided hereinabove. All candidates nominated as herein provided shall be certified to the secretary of state as candidates as hereinafter provided in the following

primary election and upon such certification shall be duly certified by the secretary of state to the county clerk as candidates for the primary election as provided by law. The delegates of each congressional district to the respective convention shall act as an assembly to nominate the candidates for congress for their respective district in the same manner as provided above. They shall be bound by the same rules as the state convention but shall determine their own procedure.

No delegation shall vote or be bound by the unit rule and no delegate shall vote any proxy or exercise more than one (1) vote. If a delegate is not present then the alternate delegate in the order of election certified to the state convention shall be entitled to vote. All balloting shall be by a roll call vote of the respective delegations represented and the chairman of each delegation shall announce the votes of his delegates unless a delegate of said delegation shall demand a polling of said delegation, in which event each delegate of said delegation shall be called to cast his vote.

The chairman and the secretary of the respective state conventions shall forthwith, after the adjournment of the convention, certify to the secretary of state the names of the candidates and the respective offices for which they have been nominated as candidates in the coming primary election. The secretary of state shall, within five (5) days after the receipt of such certificates from the officers of the respective state conventions, certify to the county clerks the candidates of each party whose names are to be placed upon the primary ballots and the names of the offices for which they are running.

SECTION 113. The state central committee chairman, within five (5) days after adjournment of the state convention, shall certify to the secretary of state the names of the candidates and the respective offices for which they have been nominated. The secretary of state, within five (5) days after receipt, shall certify to the county clerks the names of the candidates to be placed upon the primary ballots.

SECTION 114. Candidates for federal or state office who have filed a declaration of candidacy and submitted to a state convention of any political party, who received at least ten percent (10%) of the votes cast and a majority of the votes from the delegations of at least six (6) counties or six (6) legislative districts or any combination thereof on the ballot on which the candidates of the state convention are nominated for such office, shall have his name placed on the primary ballot after meeting the following qualifications:

(1) He shall file a new declaration of candidacy with the secretary of

state who shall prescribe the proper form of the declaration. All declarations of candidacy shall be filed no later than July 15, in the general election year.

(2) He shall file a petition with his declaration which shall contain the signatures of qualified electors equal to ten percent (10%) of the vote cast for the party's nominee for that office at the last general election for that particular office. No person shall sign more than one (1) such petition under this section for the same office, however, this shall not preclude a person from signing a petition who signed the petition of a candidate who had not been nominated at the state convention.

(3) He shall pay a fee of five dollars (\$5.00) at the time of filing.

SECTION 115. The state chairman of each political party shall certify the names of the presidential and vice-presidential candidates and presidential electors to the secretary of state in order for them to appear on the general election ballot. The secretary of state shall certify such candidates to the county clerks at the same time as certification of candidates nominated for state and federal offices by the voters in the primary election.

SECTION 116. The secretary of state shall certify, within three (3) days after the filing deadline for such candidates, to the county clerks the names of the candidates who qualified under section 114 of this act which shall be placed upon the ballot.

The secretary shall then provide the sample form of the primary ballot to each of the county clerks no later than August 1, prior to the primary. The sample ballot shall contain the proper candidates to be voted upon within the county whose declarations or nominations were filed and certified in the office of the secretary of state with instructions for the placing of candidates seeking the nomination for county and precinct offices. If a county is within more than one (1) legislative district, the secretary of state shall provide a sample ballot for each legislative district which includes part of the county.

SECTION 117. Upon receipt of the sample ballot and instructions from the secretary of state, each county clerk shall print and prepare the official primary ballots for the forthcoming election. The printing of the ballots shall be a county expense and paid out of the county treasury.

Each county clerk shall cause to be published on the earliest date possible in August the names of all the candidates who shall appear on the primary ballot. The names shall be listed alphabetically under each particular office title.

SECTION 118. Vacancies that occur before the primary election in the state of candidates of any political party shall be filled in the following

manner if only one (1) candidate declared for that particular office or if no candidate filed a declaration of candidacy for that particular office:

(1) By the county central committee if the vacancy occurs on a county level.

(2) By the legislative district central committee if it is a vacancy by a candidate for the state legislature.

(3) By the state central committee if it is a vacancy by a candidate for a federal or state office, but such vacancy must have occurred after the state convention.

(4) No central committee shall fill any vacancy which occurs within three (3) days prior to the primary election. Vacancies which occur during this three (3) day period shall be filled according to the provisions of section 119.

SECTION 119. Vacancies which occur after the primary election shall be filled in the same manner as provided for vacancies prior to the primary election except that if more than one (1) candidate was seeking the party nomination for that particular office, the person receiving the next highest number of votes at the primary shall be the party nominee if he polled at least twenty-five percent (25%) of the total vote for the office in the party primary.

SECTION 120. All vacancies of candidates for nonpartisan offices that occur before the general election shall not be filled.

SECTION 121. The county clerk shall provide for an official election stamp of such character or device, and of such material as the board of county commissioners may select. Each stamp shall have upon its face the date and year of the election in which it is used and the words "Official Election Ballot." In the event such stamp is lost, destroyed or unavailable upon election day, the distributing clerk shall initial each ballot and write "stamped" upon the ballot in the appropriate place.

SECTION 122. At its regular meeting in July, the board of county commissioners shall authorize that a suitable number of ballots be printed for each polling place. The county clerk shall cause such ballots to be printed upon receiving final instructions from the secretary of state, and the cost shall be paid from the county treasury. The board of county commissioners shall authorize the printing of ballots in the same manner for special elections when such special election is ordered by the governor or provided by law.

The board of county commissioners shall also provide a suitable number of ballot boxes for each polling place within the county, and shall

have complete authority to determine the specifications for such ballot boxes.

SECTION 123. (1) The secretary of state shall, in a manner consistent with the election laws of this state, prescribe the form for all ballots, absentee ballots, diagrams, sample ballots, ballot labels, voting machine labels or booklets, certificates, notices, declarations of candidacy, affidavits of all types, lists, applications, poll books, tally sheets, registers, rosters, statements and abstracts if required by the election laws of this state.

(2) The secretary of state shall prescribe the arrangement of the matter to be printed on each kind of ballot and label, including:

- (a) The placement and listing of all offices, candidates and issues upon which voting is statewide, which shall be uniform throughout the state.
- (b) The listing of all other candidates required to file with him, and the order of listing all offices and issues upon which voting is not statewide, which shall be completed by the county clerk for use in his county.

(3) The names of candidates for legislative or special district offices shall be printed only on the ballots and ballot labels furnished to voters of such district.

(4) The names of all candidates which appear on any election ballot shall be rotated in the manner determined by the secretary of state.

SECTION 124. There shall be a single primary ballot on which the complete ticket of each political party shall be printed. Each political ticket shall be separated from the others by a perforated line that will enable the elector to detach the ticket of the political party voted from those remaining. All candidates who have filed their declarations of candidacy and are subsequently certified shall be listed under the proper office titles on their political party ticket. The secretary of state shall design the primary ballot to allow for write-in candidates under each office title. A single column shall be provided for all independent candidates.

The office titles shall be listed in descending order beginning with the highest federal office and ending with precinct offices. The secretary of state has the discretion and authority to arrange the above classifications of offices in any manner which he selects.

SECTION 125. There shall be a single nonpartisan ballot for the election of justices of the supreme court and district judges. The names of all candidates for each office shall be listed under the proper office title by the secretary of state. A similar ballot shall be prepared for any general election.

SECTION 126. There shall be a single general election ballot on which

the complete ticket of each political party shall be printed. Each political party ticket shall include that party's nominee selected at the primary election for each particular office. A separate column shall be made available for independent and write-in candidates.

The office titles shall be listed in descending order. The secretary of state has the discretion and authority to arrange the above classifications of offices in any manner which he selects.

At any general election at which the electors are to vote upon constitutional amendments or other issues, the secretary of state shall provide a separate general election ballot on which all such amendments and issues shall be printed.

SECTION 127. There shall be a single general election ballot on which only the nominees for president and vice-president and their electors shall be printed. The secretary of state shall have the discretion and authority to design the ballot in any manner he selects. This ballot shall be distributed to voters who are qualified to vote for presidential electors only at the ensuing general election.

SECTION 128. Every ballot used at any primary, general or special election shall be stamped on the outside with the official election stamp before it is given to the voter. At this time the election official distributing the ballots shall give the voter instructions in regard to folding the ballot after he has voted.

The voter shall mark his ballot with a cross (X) or other mark sufficient to show his intent in the place provided after the name of the candidate for whom he intends to vote for each office.

If a person votes by writing the name of a candidate on the ballot, such act shall constitute a vote for the person's name who appears without the necessity of placing a mark after the name written on the ballot.

SECTION 129. It shall be the duty of the county clerk to furnish and cause to be delivered a sufficient number of election ballots to the judges of elections of each voting precinct. The ballots shall be delivered to the polling place within the precinct on or before the opening of the polls for the election together with the official stamp and ink pad in sealed packages. Upon delivery of the ballots and supplies, the chief judge of elections must return a written receipt to the county clerk.

The county clerk shall keep a record of the number of ballots printed and furnished to each polling place within the county and preserve the same for one (1) year.

SECTION 130. The county clerk shall prepare full instructions for the

guidance of voters at such elections, as to obtaining ballots, as to the manner of marking them, and as to obtaining new tickets in place of those spoiled, and provide sample ballots. The form and manner of display of the above mentioned instructions shall be prescribed by the secretary of state and be uniform throughout the state.

SECTION 131. When any vacancy occurs after the printing of the ballots and is filled as provided by law, the county clerk shall thereupon have printed a sufficient number of stickers containing the name of the candidate designated to fill the vacancy and shall deliver them to the judges of elections of the precincts interested therein.

The distributing clerk shall affix such stickers on the ballot before it is given to the elector. The sticker shall be placed over the name of the previous candidate. If the vacancy occurs after the deadline for filling the same, the distributing clerk shall cross the name of such candidate off the ballot and no votes shall be cast for the candidate. The county clerk shall notify the precincts of this authorization as soon as a vacancy occurs.

SECTION 132. As used in this act:

(1) "Ballot" means any material used on which votes are cast for offices and candidates and measures which do not appear on ballot labels or a ballot which is used to record votes which are cast for offices and candidates and measures in a voting system which does not use ballot cards.

(2) "Ballot card" means the tabulating card or cards of any size upon which the voter records his vote.

(3) "Ballot label" means the cards, papers, booklet or other material containing the names of offices and candidates and measures to be voted on.

(4) "Election" means all state, county, city, district and other political subdivision elections.

(5) "Governing body" means the board of county commissioners of any county or the governing body of any city, district or other political subdivision as the case may be.

(6) "Measure" means a proposed law, act or part of an act of the legislative assembly or amendment to the Idaho constitution to be submitted to the people for their approval or rejection at an election. "Measure" also means other propositions which can be submitted to the voters at any election by counties, cities, districts or other political subdivisions.

(7) "Model" means a mechanically operated model of a portion of the face of the machine illustrating the means of voting.

(8) "Precinct" includes all election districts.

(9) "Voting machine" means:

- (a) Any mechanical device which will record every vote cast by any voter on candidates and measures and which will either internally or externally total all votes cast on that device;
- (b) Any device into which a ballot card may be inserted and which is so designed and constructed that the vote for any candidate or measure may be indicated by punching or marking the ballot card.

(10) "Vote tally system" means one (1) or more pieces of machinery or equipment necessary to examine and tally automatically paper ballots having marks placed thereon by a written mark or by a marking stamp. The examination shall be accomplished by either mark sensing or optical scanning.

SECTION 133. At all elections, ballots or votes may be cast, registered, recorded and counted by means of voting machines or vote tally systems as provided.

SECTION 134. All the provisions of the election laws and of any city charter or ordinance not inconsistent with this act shall apply to all elections in election precincts where voting machines or vote tally systems are used. Any provision of law or of any city charter or ordinance which conflicts with the use of voting machines or vote tally systems as provided in this act does not apply to election precincts in which voting machines or vote tally systems are used.

SECTION 135. (1) No person shall:

- (a) Tamper with or injure or attempt to injure any voting machine or vote tally system to be used or being used in an election.
- (b) Tamper with any voting machine or vote tally system that has been used in an election.
- (c) Prevent or attempt to prevent the correct operation of any voting machine or vote tally system.

(2) An unauthorized person shall not make or have in his possession a key to a voting machine to be used or being used in an election.

(3) Neither the secretary of state nor any officer or employee of any county, city, district or other political subdivision using voting machines or vote tally systems, shall solicit or accept any compensation, other than amounts paid by the governmental unit, in connection with the sale, lease or use of voting machines or vote tally systems.

SECTION 136. The governing body at any regular meeting or a special meeting called for the purpose, may rent, purchase or otherwise procure, and provide for the use of, any voting machine or vote tally system approved by the secretary of state in all or a portion of the election precincts thereof.

Thereafter the voting machine or vote tally system may be used for voting at all elections for public and party offices and on all measures and for receiving, registering and counting the votes thereof in such election precincts as the governing body directs.

SECTION 137. (1) In procuring the necessary voting machines or vote tally systems to be used, a governing body of any county, city, district or other political subdivision in the county, may by agreement entered into by the board of county commissioners and the governing bodies of cities, districts or other political subdivisions, provide for the joint purchase and subsequent ownership of voting machines or vote tally systems and for the care, maintenance and use of the machines or vote tally systems.

(2) The governing body of two (2) or more counties may by agreement provide for the joint use of voting machines or vote tally systems.

SECTION 138. (1) The governing body may, on the adoption and purchase of voting machines or vote tally systems, provide for their payment in the method it determines to be for the best interest of the county, city, district or other political subdivision. The governing body may make contracts for the purchase of the machines or vote tally systems with such provisions with regard to price, manner of purchase and time of payment that the governing body determines are proper.

(2) For the purpose of paying for voting machines or vote tally systems, the governing body may:

- (a) Issue bonds, warrants, notes or other negotiable obligations. The bonds, warrants, certificates, notes or other obligations shall be a charge upon the county, city, district or other political subdivisions.
- (b) Pay for the voting machines or vote tally system in cash out of the general fund.
- (c) Provide for the payment for the voting machines or vote tally systems by other means.

(3) In estimating the amount of taxes for the general fund, if any, the amount required for payment for voting machines or vote tally systems shall be added, extending over the time required to pay for the machines or vote tally systems.

SECTION 139. The governing body of any county shall, prior to authorizing the issuance of bonds obtain the approval in writing of the secretary of state as to the type and number of machines or vote tally systems to be purchased and the price to be paid therefor.

SECTION 140. (1) The secretary of state shall publicly examine all makes of voting machines or vote tally systems submitted to him and

determine whether the machines or vote tally systems comply with the requirements of this act, and can safely be used by voters at elections under the provisions of this act.

(2) Any person owning or interested in a voting machine or vote tally system may submit it to the secretary of state for examination. For the purpose of assistance in examining the machine or vote tally system the secretary of state may employ not more than three (3) individuals who are expert in one (1) or more of the fields of data processing, mechanical engineering and public administration. The compensation of these assistants shall be paid by the person submitting the machine or vote tally system.

(3) Within thirty (30) days after completing the examination and approval of any voting machine or vote tally system the secretary of state shall make and file in his office his report on the machine or vote tally system, together with a written or printed description and drawings and photographs clearly identifying the machine or vote tally system and the operation thereof. As soon as practicable after such filing, the secretary of state upon request shall send a copy of the report to any governing body within the state.

(4) Any voting machine or vote tally system that receives the approval of the secretary of state may be used for conducting elections in this state. Any machine or vote tally system that does not receive such approval shall not be adopted for or used at any election. After a voting machine or vote tally system has been approved by the secretary of state, any change or improvement in the machine or vote tally system that does not impair its accuracy, efficiency or capacity shall not render necessary a reexamination or reapproval of the machine or vote tally system.

SECTION 141. (1) No voting machine or vote tally system shall be approved by the secretary of state unless it is constructed so that it:

- (a) Secures to the voter secrecy in the act of voting.
- (b) Provides facilities for voting for the candidates of as many political parties or organizations as may make nominations and for or against as many measures as may be submitted.
- (c) Permits the voter to vote for any person for any office and upon any measure that he has the right to vote for.
- (d) Permits the voter, except at primary elections, to vote for all the candidates of one (1) party or in part for the candidates of one (1) party and in part for the candidates of one (1) or more other parties.
- (e) Permits the voter to vote for as many persons for an office as he is lawfully entitled to vote for but no more.

- (f) Prevents the voter from voting for the same person more than once for the same office.
- (g) Correctly registers or records all votes cast for any and all persons and for or against any and all measures.
- (h) Can be adjusted so that the counting mechanism rejects any vote cast on the tabulating card in excess of the number which the voter is entitled to vote.
- (i) Provides that a vote for more than one (1) candidate cannot be cast by one (1) single operation of the machine or vote tally system.

(2) A vote tally system shall be:

- (a) Capable of correctly counting votes on ballots or ballot cards on which the proper number of votes have been marked for any office or question or issue that has been voted.
- (b) Capable of ignoring the votes marked for any office or question or issue where more than the allowable number of votes have been marked, but shall correctly count the properly voted portions of the ballot card.
- (c) Capable of accumulating a count of the specific number of ballots or ballot cards tallied for a precinct, accumulating total votes by a candidate for each office; and accumulating total votes for and against each question and issue of the ballots or ballot cards tallied for a precinct.
- (d) Capable of tallying votes from ballots or ballot cards of different political parties, from the same precinct, in the case of a primary election.
- (e) Capable of accommodating rotation of candidates' names on the ballot or ballot card, provided that all ballots or ballot cards from one (1) precinct shall be of the same rotation sequence.
- (f) Capable of automatically producing precinct totals in either printed, marked, or punched form, or combinations thereof.

SECTION 142. (1) The secretary of state shall issue an administrative order outlining the duties of each of the clerks on the election board. He shall devise and prescribe for use by each local election officer the contents, form, character and kinds of ballots, ballot labels, ballot cards, formats, records, papers and documents and other materials and supplies and procedures necessary in the use of voting machines or vote tally systems and in the process of counting and tabulating the ballots by mechanical or electrical counting devices or equipment or computers.

(2) The secretary of state shall prescribe rules and regulations to achieve and maintain the maximum degree of correctness, impartiality and efficiency on the procedures of voting, and of counting, tabulating and recording votes, by the devices, machines or vote tally systems and methods provided by this act.

SECTION 143. (1) The election board of each election precinct in which a voting machine or vote tally system is used shall consist of an election judge and four (4) clerks. The clerks of an election board shall not all be members of the same political party.

(2) The qualifications and duties of election judges shall apply to the appointment of election board clerks in counties or precincts where voting machines or vote tally systems are used.

(3) The board of county commissioners or the governing body of a city, district or other political subdivision, not later than forty (40) days before an election, may create, unite, combine or divide one (1) or more election precincts for the purpose of using one (1) or more voting machines or vote tally systems therein at the election. The number of registered voters to be included in each of the election precincts shall be determined by such board of county commissioners or governing body of a city, district or other political subdivision.

SECTION 144. (1) Before each election at which voting machines or vote tally systems are to be used, the county clerk of a county, or the clerk of a city, district or other political subdivision, in which voting machines or vote tally systems are to be used, shall cause them to be properly prepared and shall cause the election board to be properly instructed in their use.

(2) For the purpose of giving such instruction, the county clerk shall call the meeting or meetings of the election board that are necessary. Each election board shall attend the meetings and receive the instruction necessary for the proper conduct of the election with the machine or vote tally system.

(3) No election board judge or clerk shall serve in any election at which a voting machine or vote tally system is used unless he has received the required instruction and is fully qualified to perform the duties in connection with the machine or vote tally system; but this requirement shall not prevent the appointment of an election board clerk to fill a vacancy in an emergency.

SECTION 145. (1) The election officer charged with the duty of providing ballots shall provide all necessary instruction, forms and supplies required for the proper use of the voting machines or vote tally systems.

(2) Within a proper and reasonable time before the first election at which voting machines or vote tally systems are to be used, the secretary of state shall prepare samples of the printed matter and supplies required. He shall furnish one (1) of each of the samples to the election officer in charge of the election of each county, city, district or other political subdivision in which the machines or vote tally systems are to be used.

(3) The county clerk or other election officer shall deliver voting machines to each election board as provided for election supplies.

SECTION 146. (1) The election board of each election precinct in which a voting machine is to be used shall meet at the polling place for the election precinct at least thirty (30) minutes before the time set for opening the polls. Before preparing the machine for voting, the election board shall proceed as prescribed in subsection (2) of this section.

(2) The election board shall:

(a) Cause the voting machine to be placed where it can be conveniently attended by the election board and conveniently operated by the voters and where the ballot labels on the machine can be plainly seen by the election board and the public when not being voted on.

(b) Cause the model to be placed where each voter can conveniently operate it and receive instructions on the model as to the manner of voting before entering the voting machine booth.

(c) Determine that the ballot labels are in the proper place on the machine.

(3) After performing their duties as provided in this section, the election board shall certify to the fact in the appropriate places in the poll book.

SECTION 147. (1) In preparing a voting machine for an election, the county clerk or the clerk of the city, district or other political subdivision, as the case may be, shall:

(a) Arrange the machine and the ballot labels so that it shall in every particular case meet the requirements of voting and counting at such elections.

(b) Thoroughly inspect and test the machine, and file a certificate in his office that the ballot labels have been properly arranged.

(2) The arrangement of offices and names of candidates upon the ballot labels shall conform as nearly as practicable to the provisions of law for the arrangement of names on paper ballots, and in the event that there are more candidates for any office than can be placed upon one (1) page, the labels shall be clearly marked to indicate that the names of candidates for

the office are continued on the following page.

(3) Representatives of political parties and candidates shall be permitted to examine the voting machines or vote tally systems.

SECTION 148. Before preparing the voting machines or vote tally systems for any election, the county clerk shall mail to the chairman of the county or legislative district central committees of each political party who has notified such clerk that notice is desired, a written notice stating the time and place or places where voting machines or vote tally systems will be prepared for the election. At such times and places, one (1) representative of each political party is entitled to be present and see that the machines or vote tally systems are properly prepared and placed in proper condition and order for use at the election. In nonpartisan elections each candidate may designate one (1) representative who has the same powers as the political party representatives. The political party and candidate representatives shall certify that they have witnessed the testing and preparation of the machines or vote tally systems. The certificates shall be filed in the office of the county clerk.

SECTION 149. (1) The ballots and ballot labels required to be furnished for general or special elections shall be printed in black ink on clear white material of such size and arrangements as to suit the construction of the machine. The ballot labels for measures may contain a condensed statement of purpose for each measure to be voted on, accompanied by the words "Yes" and "No". The title of the offices on the ballot labels shall be printed in type as large as the space for the office will reasonably permit. Where more than one (1) candidate can be voted for an office, there shall be printed below the office title words indicating the number the voter is lawfully entitled to vote for out of the whole number of candidates, such as "Vote for Two".

(2) The ballots and ballot labels required to be furnished for primary elections shall be of different colors for the political parties who are nominating or electing candidates.

(3) The "judiciary ballot" may be added to the ballot labels for the political parties. Candidates for the above offices will be shown under the general title of nonpartisan judicial candidates.

(4) When a vote tally system is used, the county clerk shall prepare the ballots as nearly as practicable as required by law.

SECTION 150. In each primary and general election when two (2) or more persons are candidates for nomination or election to the same office, the county clerk or the clerk of a city, district or other municipality in

which voting machines or vote tally systems are used shall rotate the names of candidates as directed by the secretary of state.

SECTION 151. The election board shall occasionally examine the face of the voting machine and the ballot labels to determine that the machine and the ballot labels have not been damaged or tampered with.

SECTION 152. (1) If any voting machine used in any election precinct, during or before the time the polls are opened, becomes damaged so as to render it inoperative in whole or in part, an election board clerk immediately shall notify the election officer charged with the care of the machine.

(2) If possible, the election officer so notified shall repair the machine at once or substitute another machine for the damaged machine.

(3) If no other machine can be procured for use at the election and the damaged machine cannot be repaired in time for further use at the election, *

or where in the discretion of a majority of the members of the election board it is impracticable to use the machine, the election board shall permit the voters to use paper ballots prepared as in cases where paper ballots are used. The paper ballots shall be furnished to the election board by the county clerk. The paper ballots shall be issued, voted and deposited in ballot boxes in as nearly the same manner as provided by law, except that the paper ballots shall not be tallied and returned by the election board. Instead, these paper ballots shall be delivered to the county clerk for his tally and canvass.

SECTION 153. (1) At the hour for closing the polls, the election board shall declare the polls of the election closed and shall not permit any further voting. However, electors who are, at the hour of closing, within the polling room or awaiting their turn to vote shall be considered as having begun the act of voting and shall be permitted to cast their votes.

(2) At any time prior to the closing of the polls provision may be made for the delivery of voted ballots to the county clerk or the clerk of a city, district or other political subdivision for counting. If such procedure is adopted, the result of this early count shall not be released to the public until after 8:00 p.m. of election day.

SECTION 154. The county clerk may provide that absent voting shall be either by voting machine or by marking a paper ballot. In either case he shall cause sufficient ballots of the proper kind to be provided.

*The above bracketed material was inadvertently omitted in the signed bill.

SECTION 155. In any election where voting machines or vote tally systems are used:

(1) Paper ballots may be used to record the electors' votes for party offices.

(2) Paper ballots may be used to record the electors' votes for or against municipal candidates or measures.

(3) Paper ballots which are used in conjunction with voting machines may be returned to the office of the county clerk for counting by special counting boards. Ballots so counted shall be tallied and returned by precinct.

(4) Ballots or ballot cards may be returned to the office of the county clerk for counting.

(5) In the event that paper ballots are used in conjunction with voting machines or vote tally systems to record write-in votes, these paper ballots may be returned to the office of the county clerk for counting by special counting boards. Ballots so counted shall be tallied and returned by precinct.

SECTION 156. (1) At each primary, general and special election there shall be provided as many sample ballots as the county clerk considers necessary. The sample ballots shall be prepared and distributed as provided by law.

(2) For each primary, general and special election the county clerk shall cause to be published a facsimile, except as to size, of the sample ballot required in subsection (1) of this section.

SECTION 157. (1) Before each election at which voting machines are to be used the county clerk shall place on public exhibition a suitable number of machines for the proper instruction of voters. The machines shall be arranged and equipped with ballot labels so as to best illustrate the method of voting at that election and, so far as practicable, shall contain:

(a) The names of the offices to be filled.

(b) The names of the candidates to be voted for, together with their proper party designations in case of party elections.

(c) Statements of the measure to be voted on.

(2) In addition to supplying sample ballots, the county clerk shall, before the election, take reasonable additional steps to familiarize the voters with a diagram showing the face of the voting machine after the official ballot labels are arranged thereon with illustrated instructions how to vote, and with the locations of the voting machines that are on public exhibition.

(3) Before each election at which a vote tally system is to be used, the

county clerk shall make every reasonable effort to acquaint the electors within his county with the ballot format and the marking system.

SECTION 158. (1) The election board clerks shall instruct electors on how to record their votes on the voting machine or vote tally system, and shall give assistance to any elector who declares that he is unable by reason of physical disability to record his vote on the machine or vote tally system, and on request by the elector after he has entered the voting booth, shall give him the necessary information to enable him to record his vote.

(2) Any elector who, because of blindness or other physical disability, is unable to mark his ballot shall, upon request, receive the assistance of the election board clerks or some other person chosen by the elector in the marking thereof. Such clerks or person shall ascertain the wishes of the elector and mark his ballot in accordance therewith, and shall thereafter give no information regarding such marking. The election board judge may require a declaration of disability to be made by the elector under oath. Whenever an elector receives assistance in this manner, a clerk shall make a notation thereof in the poll book following the name of the elector.

(3) If any elector, after entering the voting booth, asks for information regarding the operation of the voting machine or marking device, the election board clerks shall give him the necessary information.

SECTION 159. (1) Except for cases of physically disabled electors, the operation of voting shall be secret.

(2) No elector shall remain within the voting booth longer than five (5) minutes. If the elector refuses to leave at the end of that time, the election board clerks may remove him. However, the election board may grant the voter a longer time if no other electors are waiting to vote.

SECTION 160. (1) The secretary of state may enter into an agreement with any county, city, district or other political subdivision within the state of Idaho for the rental of approved voting machines or vote tally systems to them.

(2) The secretary of state on having entered into an agreement with a county, city, district or other political subdivision may purchase the necessary voting machines or vote tally systems.

SECTION 161. The rental agreement shall provide:

(1) Annual payments sufficient to liquidate the costs of the voting machine or vote tally system in five (5) years together with the interest computed at the rate of five percent (5%) per annum, payable on or before

December 15.

(2) That maintenance, storage and transportation costs of the machine are to be paid by the county, city, district or other political subdivision.

(3) That after the completion of the fifth (5th) year of rental the title to the voting machine or vote tally systems shall be transferred by the secretary of state to the county, city, district or other political subdivision.

SECTION 162. Any registered elector of the state of Idaho may vote at any election by absentee ballot as herein provided.

SECTION 163. Any registered elector may make written application to the county clerk, or other proper officer charged by law with the duty of issuing official ballots for such election, for an official ballot or ballots of the kind or kinds to be voted at the election. The application shall contain the name of the elector, his home address, precinct or polling place, county, and address to which such ballot shall be forwarded. In the event an elector desires to have his ballot delivered by an agent, he shall include the name and address of the agent within the application.

The application for an absent elector's ballot shall be signed personally by the applicant or if unable to sign his name, by his agent in his presence and at his request. The application shall be filed with the county clerk not later than 5:00 p.m. on the day before the election nor earlier than sixty (60) days before the election. In the event a registered elector is unable to vote in person at his designated polling place on the day of election because of an accident, sudden illness or other disability which could not be anticipated, he may nevertheless apply personally or through his agent for an absent elector's ballot on election day under rules and regulations as prescribed by the secretary of state.

A person in the United States service may make application for an absent elector's ballot by use of a properly executed federal post card application as provided for in the laws of the United States known as "Federal Voting Assistance Act of 1955." The issuing officer shall keep as a part of the records of his office a list of all applications so received and of the manner and time of delivery or mailing to and receipt of returned ballot.

SECTION 164. (1) Upon receipt of an application for an absent elector's ballot within the proper time, the county clerk receiving it shall examine the records of his office to ascertain whether or not such applicant is registered and lawfully entitled to vote as requested and, if found to be so, he shall deliver to the applicant personally, or by mail to the mailing address

given in the application, an official absent elector's ballot, a return envelope with the affidavit thereon properly filled in as to precinct and residence address as shown by the records in his office, and an instruction card.

(2) If a person in the United States service submits a properly executed federal post card application and the county clerk receiving it shall determine that such applicant is not properly registered, the county clerk shall cause the applicant to be registered and shall then deliver to the applicant the official absent elector's ballot and other materials as above set forth.

(3) The absent elector's ballot and other materials shall be delivered or mailed to the absent elector within forty-eight (48) hours after the receipt of the application, if the official ballots are then printed, or, if not then printed, within forty-eight (48) hours after such printed ballots shall be delivered to the county clerk.

SECTION 165. Upon receipt of the absent elector's ballot the elector shall thereupon mark and fold the ballot so as to conceal the marking, deposit it in the ballot envelope and seal the envelope securely. In the event an election requires a perforated ballot, the unvoted portion must be deposited in the unvoted ballot envelope and sealed. The ballot envelopes must then be deposited in the return envelope and sealed securely.

The elector shall then execute an affidavit on the back of the return envelope in the form prescribed, provided however, that such affidavit need not be notarized.

SECTION 166. The return envelope shall be mailed or delivered to the officer who issued the same; provided, that an absentee ballot must be received by the issuing officer by 5:00 p.m. on the day prior to the election before such ballot may be counted.

Upon receipt of an absent elector's ballot the county clerk of the county wherein such elector resides shall write or stamp upon the envelope containing the same, the date and hour such envelope was received in his office and, if the ballot was delivered in person, the name and address of the person delivering the same. He shall safely keep and preserve all absent electors' ballots unopened until the time prescribed for delivery to the judges in accordance with this act.

SECTION 167. Each county clerk shall provide an "absent electors' polling place". It shall be provided with voting booths and other necessary supplies as provided by law.

SECTION 168. On receipt of such absent elector's ballot or ballots, the officer receiving them shall forthwith enclose the same, unopened in a carrier envelope endorsed with the name and official title of such officer and the words: "absent electors' ballot to be opened only at the polls". He shall hold the same until the delivery of the official ballots to the judges of election of the precinct in which the elector resides and shall deliver the ballot or ballots to the judges with such official ballots.

SECTION 169. Between the opening and closing of the polls on such election day the judges of election of such precinct shall open the carrier envelope only, announce the absent elector's name, and compare the signature upon the return envelope with the elector's registration card, and in the event they find such signatures to correspond and the applicant to be a duly registered elector of the precinct and that he has not heretofore voted at the election, they shall open the return envelope and remove the ballot envelopes and deposit the same in the proper ballot boxes and cause the absent elector's name to be entered on the poll books and his registration card marked the same as though he had been present and voted in person. The ballot envelope shall not be opened until the ballots are counted.

SECTION 170. The vote of any absent elector may be challenged in the same manner as other votes are challenged and the receiving judges shall have power and authority to determine the legality of such ballot. If the challenge be sustained, or if the receiving judges determine that the affidavit accompanying the absent elector's ballot is insufficient, or that the elector is not a qualified registered elector the envelope containing the ballot of such elector shall not be opened and the judges shall endorse on the back of the envelope the reason therefor. Whenever it shall be made to appear to the receiving judges by sufficient proof that any elector who has marked and forwarded his ballot has died, then the envelope containing the ballot of such deceased elector shall not be opened and the judges shall make proper notation on the back of such envelope. If an absent elector's envelope contains more than one marked ballot of any one kind, none of such ballots shall be counted and the judges shall make notations on the back of the ballots the reason therefor. Judges of election shall certify in their returns the number of absent electors' ballots cast and counted and the number of such ballots rejected.

SECTION 171. All absent electors' identification envelopes, ballot stubs and absent electors' ballots rejected by the judges in accordance with

the provisions of this act shall be returned to the county clerk. All absent electors' ballots received by the county clerk after 12:00 noon on the day of the general, primary or special election, together with the rejected absent electors' ballots returned by the judges of election as provided in this section, shall remain in the sealed identification envelopes and be handled in the manner provided for other spoiled ballots.

SECTION 172. The county clerk shall keep a record in his office containing a list of names and precinct numbers of electors making application for absent electors' ballots, together with the date on which such application was made, the date on which such absent elector's ballot was returned. If an absent elector's ballot is not returned or if it be rejected and not counted, such fact shall be noted on the record. Such record shall be open to public inspection under proper regulations.

SECTION 173. At all primary, general and special elections, the polls shall be opened at 8:00 a.m. and remain open until all registered electors of that precinct have appeared and voted or until 8:00 p.m. of the same day, whichever comes first.

Upon opening the polls, one of the judges shall make the proclamation of the same and thirty (30) minutes before closing the polls a proclamation shall be made in the same manner.

SECTION 174. Whenever it shall become impossible or inconvenient to hold an election at the place designated therefor, the judges of election, after assembling and before receiving any vote, may adjourn to the nearest convenient place for holding the election, and at such adjourned place forthwith proceed with the election and the county clerk shall be notified of the change.

Upon adjourning any election, the judges shall cause proclamation thereof to be made, and shall post a notice upon the place where the adjournment was made from notifying electors of the change of polling place.

SECTION 175. In the presence of bystanders the judges of elections shall break the sealed packages of election ballots, official stamp and other supplies.

Before receiving any ballots the judges shall open and exhibit, close and lock the ballot boxes, and thereafter they shall not be removed from the polling place until all ballots are counted. They shall not be opened until the polls are closed unless the precinct is using a duplicate set of ballot boxes.

SECTION 176. Any judge may administer and certify any oath required to be administered during the progress of an election or challenge any elector.

SECTION 177. The judges of election may appoint some capable person to act as election constable during the election, and he shall have the power to make arrests for disturbance of the peace, as provided by law for constables, and he shall allow no one within the voting area except those who go to vote, and shall allow but one elector in a compartment at one time. He shall remain and keep order at the polling place until all of the votes are tallied.

SECTION 178. An elector desiring to vote shall state his name and address to the judge or clerk in charge of the registration cards. He shall then proceed to the distributing clerk who shall give him the necessary ballots and folding instructions after stamping them with the official stamp. At this time a check mark shall be made on the registration card to denote the receipt of a ballot.

SECTION 179. On receipt of his ballot the elector shall retire to a vacant voting booth and mark his ballot according to the instructions provided by law. Before leaving the voting compartment the elector shall fold his ticket so that the official stamp is visible and the face of the ballot is completely enclosed.

After marking his ballot, the elector shall present himself to the judge in charge of the poll book and state his name and residence. The judge shall mark or write his name in the poll book and direct him to deposit his ballot in the proper box after ascertaining that the ballot is folded correctly.

SECTION 180. If any registered elector, who is blind or otherwise disqualified by reason of physical infirmities rendering such elector incapable of personally marking his ballot, desires to vote, then and in that case such elector shall be given assistance by the person of his choice or by one (1) of the election clerks. Such clerk or selected person shall mark the ballot in the manner directed by the elector and fold it properly and present it to the elector before leaving the voting compartment or area provided for such purpose. The elector shall then present it to the judge of election in the manner provided above.

SECTION 181. No person shall take or remove any ballot from the polling place. If an elector inadvertently or by mistake spoils a ballot, he shall return it folded to the distributing clerk, who shall give him another

ballot. The ballot thus returned shall, without examination, be immediately cancelled by writing across the back, or outside of the ballot as folded, the words "spoiled ballot, another issued," and deposit the spoiled ballot in a box provided for that purpose.

SECTION 182. No judge or clerk shall communicate to anyone any information as to the name or number on the registry list of any elector who has not applied for a ballot, or who has not voted at the polling place; and no judge, clerk or other person whomsoever, shall interfere with, or attempt to interfere with, a voter when marking his ballot. No judge, clerk or other person shall, directly or indirectly, attempt to induce any voter to display his ticket after he shall have marked the same, or to make known to any person the name of any candidate for or against whom he may have voted.

SECTION 183. In case any person offering to vote is challenged one (1) of the judges must declare the qualifications of an elector to such person. If the person so challenged then declares himself duly qualified, and the challenge is not withdrawn, one (1) of the judges shall then tender him the elector's oath, as prescribed by the secretary of state. No challenged elector shall have the right to vote until he has subscribed to the elector's oath. Upon a challenged elector's subscribing the elector's oath, he shall be entitled to vote.

SECTION 184. The secretary of state shall prepare a handbook which sets forth the qualifications of an elector and test questions which shall aid the judges of election to determine whether a person is qualified to vote at the election.

A sufficient number of these handbooks shall be transmitted to each county clerk who shall provide each polling place with a sufficient number of copies.

SECTION 185. (1) When the polls are closed the judges must immediately proceed to count the ballots cast at such election. The counting must be continued without adjournment until completed and the result declared.

(2) If the precinct has duplicate ballot boxes, the counting shall begin after five (5) ballots have been cast. At this time, the additional clerks shall close the first ballot box and retire to the counting area and count the ballots. Upon completion of this counting the clerks shall return the ballot box and then proceed to count all of the ballots cast in the second box during this period. This counting shall continue until the polls are closed at

which time all election personnel shall complete the counting of the ballots.

SECTION 186. The counting must commence by comparison of the marked registration cards and the poll lists from the commencement, and a correction of any mistake that may be found therein, until they are found to agree. This box shall then be opened and the ballots found therein counted by the judges, unopened and the number of ballots in the box must agree with the number marked in the poll book or election register as having received a ballot, and this number, together with the number of spoiled ballots, must agree with the number of stubs or counterfoils in the books from which the ballots have been taken. If the number of ballots issued does not agree with the number of stubs or counterfoils, the election judges shall have authority to make any decision to correct the situation; but this shall not be construed to allow the judges to void all ballots cast at that polling place.

When duplicate ballot boxes are used in a precinct, the duties herein prescribed shall be done after all of the votes have been tallied.

SECTION 187. The ballots and polls lists agreeing, the election personnel shall then proceed to tally the votes cast. Under each office title the number of votes for each candidate and such other information required by the secretary of state shall be entered in the tally books together with the total of the above figures in the manner prescribed by the secretary of state. Any ballot or part of a ballot from which it is impossible to determine the elector's choice, shall be void and shall not be counted. When a ballot is sufficiently plain to determine therefrom a part of the voter's intention, it shall be the duty of the judges to count such part.

Following the counting, the judges must post a correct copy of such results at the polling place and a copy transmitted to the county clerk.

In no event shall the results of such count be released to the public until after 8:00 p.m. of election day.

SECTION 188. After the counting of the votes, the judges of the election shall enclose and seal the election register book, tally books, all ballot stubs, unused ballot books, and other supplies and deliver them to the county clerk's office. If the office of the county clerk is closed, the articles shall be delivered to the sheriff or one of his deputies who shall deliver them to the county clerk no later than the day after the election.

SECTION 189. The county board of commissioners shall be the county board of canvassers and the county clerk shall serve as their secretary for this purpose. The county board of canvassers shall meet on the second day after the primary election and within eight (8) days after the general

election for the purpose of canvassing the election returns of all precincts within the county.

SECTION 190. The board shall examine and make a statement of the total number of votes cast for all candidates or special questions that shall have been voted upon at the election. The statement shall set forth the special questions and the names of the candidates for whom the votes have been cast. It shall also include the total number of votes cast for each candidate for office by precinct and the total number of affirmative and negative votes cast for any special question by precinct. The board shall certify that such statement is true, subscribe their names thereto, and deliver it to the county clerk.

SECTION 191. After the canvass of the votes for each office the board shall cause the county clerk to make abstracts of the returns for each candidate which shall then be signed by each member of the board. The abstracts shall be in a form prescribed by the secretary of state and be uniform throughout the state.

The county clerk, by registered mail, shall forward to the secretary of state the abstracts for all candidates for federal, state or district offices.

SECTION 192. Immediately after the primary election canvass the county clerk shall issue certificates of nomination to the political party candidates of each party who receive the highest number of votes for their particular county or precinct office, and the candidates so certified shall have their names placed on the general election ballot. The county clerk shall issue certificates of election to the precinct committeemen of each political party who receive the highest number of votes in their precinct. The county clerk shall also certify by registered mail such elections to the secretary of state. The form for such certificate shall be prescribed by the secretary of state and be uniform throughout the state.

SECTION 193. Immediately after the general election canvass, the county clerk shall issue a certificate of election to the county candidates who received the highest number of votes for that particular office and they shall be considered duly elected to assume the duties of the office for the next ensuing term.

SECTION 194. In the case of a tie vote between candidates at a primary election or general election, the interested candidates shall appear before the county clerk within two (2) days after the canvass and the tie shall be determined by a toss of a coin.

SECTION 195. The governor, secretary of state, state auditor, state treasurer and the attorney general shall constitute the state board of

canvassers. The state board of canvassers shall meet on the sixth (6th) day after the primary election and within fifteen (15) days after the general election in the office of the secretary of state for the purpose of canvassing the abstracts of votes cast for all candidates for federal, state and district offices.

SECTION 196. The board shall examine the abstracts of votes from the county canvasses and make a statement of the total number of votes cast for all federal, state and district candidates or special questions that shall have been voted upon at the election. The statement shall set forth the special questions and the names of the candidates for whom the votes have been cast. It shall also include the total number of votes cast for each candidate for office by county and legislative district, and the total number of affirmative and negative votes cast for any special question by county. The board shall certify that such statement is true, subscribe their names thereto, and deliver it to the secretary of state.

SECTION 197. After the canvass of the abstracts, the board shall make a statement of the total number of votes cast at any such election for all the candidates for federal, state or district offices, which statement shall show the names of the persons to whom such votes shall have been cast for the particular offices and the total number cast to each, distinguishing the several districts, counties and precincts in which they were given. They shall certify such statement to be correct, and subscribe their names thereto.

SECTION 198. (1) Immediately after the primary election canvass, the secretary of state shall issue certificates of nomination to the political party candidates of each party who receive the highest number of votes for their particular federal, state or district office. The candidates so certified shall have their names placed on the general election ballot.

(2) Immediately after the primary election canvass, the secretary of state shall issue certificates of nomination to the nonpartisan candidate or candidates who receive the highest number of votes for the number of vacancies which are to be filled for a particular office and also to the same number of candidates who receive the second highest number of votes for the particular office. The candidates so certified shall have their names placed on the general election ballot. If it appears from the canvass that a particular candidate has received a majority of the total vote cast for the particular office, he shall be issued a certificate of election instead of a certificate of nomination and no candidates shall run for the particular office in the general election.

SECTION 199. The secretary of state, not later than September 25,

shall prepare the necessary general election sample ballots for the various counties and forward them to the several county clerks. The secretary of state shall place the names of the candidates for all federal, state and district offices on the sample ballots.

SECTION 200. Immediately after the general election canvass, the secretary of state shall issue certificates of election to the federal, state and district candidates who received the highest number of votes for the particular office and they shall be considered duly elected to assume the duties of the office for the next ensuing term.

SECTION 201. In the case of a tie vote between the candidates at a primary or general election, the interested parties or their authorized agents shall appear before the secretary of state within two (2) days after the canvass and the tie shall be determined by a toss of a coin.

SECTION 202. That Chapter 1, Title 34, Idaho Code, be, and the same is hereby repealed.

SECTION 203. That Chapter 2, Title 34, Idaho Code, be, and the same is hereby repealed.

SECTION 204. That Chapter 3, Title 34, Idaho Code, be, and the same is hereby repealed.

SECTION 205. That Chapter 4, Title 34, Idaho Code, be, and the same is hereby repealed.

SECTION 206. That Chapter 5, Title 34, Idaho Code, be, and the same is hereby repealed.

SECTION 207. That Chapter 6, Title 34, Idaho Code, be, and the same is hereby repealed.

SECTION 208. That Chapter 7, Title 34, Idaho Code, be, and the same is hereby repealed.

SECTION 209. That Chapter 8, Title 34, Idaho Code, be, and the same is hereby repealed.

SECTION 210. That Chapter 9, Title 34, Idaho Code, be, and the same is hereby repealed.

SECTION 211. That Chapter 10, Title 34, Idaho Code, be, and the same is hereby repealed.

SECTION 212. That Chapter 11, Title 34, Idaho Code, be, and the same is hereby repealed.

SECTION 213. That Chapter 12, Title 34, Idaho Code, be, and the same is hereby repealed.

SECTION 214. That Chapter 13, Title 34, Idaho Code, be, and the same is hereby repealed.

SECTION 215. That Chapter 14, Title 34, Idaho Code, be, and the same is hereby repealed.

SECTION 216. That Chapter 16, Title 34, Idaho Code, be, and the same is hereby repealed.

SECTION 217. That Chapter 24, Title 34, Idaho Code, be, and the same is hereby repealed.

SECTION 218. An emergency existing therefor, which emergency is hereby declared to exist, Sections 132 through and including Section 161 and Section 217 shall be in full force and effect on and after their passage and approval.

SECTION 219. This act, with the exception of Sections 132 through and including Section 161 and Section 217, shall be in full force and effect on and after January 1, 1971.

Approved March 10, 1970.

CHAPTER 141
(S. B. No. 1474)

AN ACT

REPEALING SECTION 61-332, IDAHO CODE; AMENDING CHAPTER 3, TITLE 61, IDAHO CODE, BY ADDING FOUR NEW SECTIONS TO BE KNOWN AND DESIGNATED AS SECTIONS 61-332, 61-332A, 61-332B, and 61-332C, IDAHO CODE, TO PROVIDE AS FOLLOWS: SECTION 61-332, IDAHO CODE, CREATING THE ELECTRIC SUPPLIER STABILIZATION ACT AND DECLARING THE PURPOSE THEREOF; SECTION 61-332A, IDAHO CODE, DEFINING TERMS; SECTION 61-332B, IDAHO CODE, PROHIBITING ELECTRIC SUPPLIERS FROM SERVING CONSUMERS OR FORMER CONSUMERS OF ANOTHER SUPPLIER; SECTION 61-332C, IDAHO CODE, ESTABLISHING RULES FOR SELECTING ELECTRIC SUPPLIERS FOR NEW ELECTRIC SERVICE ENTRANCES AND FORBIDDING VIOLATION OF THE RULES; REPEALING SECTION 61-333, IDAHO CODE; AMENDING CHAPTER 3, TITLE 61, IDAHO CODE, BY ADDING A NEW SECTION TO BE KNOWN AND DESIGNATED AS SECTION 61-333, IDAHO CODE, TO AUTHORIZE CONTRACTS AMONG ELECTRIC SUPPLIERS TO RESOLVE TERRITORIES, CONSUMERS AND TO